

# Mount Healthy Police Department

## Policy Manual

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### **CHIEF'S PREFACE**

This manual is designed to assist our officers in the performances of their duties. Our primary goal is to ensure the safety of our citizens and to provide exemplary service to our citizens. This manual will aid you as you perform the many tasks modern day police officers are expected to perform. Given the complex mission our officers are expected to carry-out daily, it is impossible to anticipate every situation that you may have to attend to. In the performances of your duties, you should always be guided by the three principles which provide the foundation of all successful police response. Those principles are defined by answering the question is what I am doing, LEGAL, ETHICAL, and Moral?

As police officers, it is very important that we follow the laws. Citizens expect no less and as representatives of our community, you are held to a higher standard than any other citizen. Violations of the law result in loss of trust and claims of bias based policing. Neither of which can nor will be tolerated by our community.

As members of professional law enforcement officers, we are bound to a code of ethics which is made up of the very fabric which binds and defines our community. It demands your conduct both on and off-duty be above reproach. You must be the same person in public as you are in private. You can never use the trust our community places with you for personal gain.

It is a privilege to be a police officer in a democratic society. Just because you wear a uniform and a badge does not mean the community will automatically place its trust in you. Trust is developed through time and consistence adherence to the principal of justice for all. Morality is defined as being concerned with the principles of right and wrong behavior and the goodness or badness of human character. Morality is the foundation upon which justice is built.

I hope you refer to this manual often. Familiarity with its contents will help you provide the quality police service our community members expect.

Chief Jerome Deidesheimer

City of Mt. Healthy

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### **LAW ENFORCEMENT CODE OF ETHICS**

As a law enforcement officer, my fundamental duty is to serve the community; to safeguard lives and property; to protect the innocent against deception, the weak against oppression or intimidation and the peaceful against abuse or disorder; and to respect the constitutional rights of all to liberty, equality and justice.

I will keep my private life unsullied as an example to all and will behave in a manner that does not bring discredit to me or to my agency. I will maintain courageous calm in the face of danger, scorn or ridicule; develop self-restraint; and be constantly mindful of the welfare of others. Honest in thought and deed both in my personal and official life, I will be exemplary in obeying the law and the regulations of my department. Whatever I see or hear of a confidential nature or that is confided to me in my official capacity will be kept ever secret unless revelation is necessary in the performance of my duty.

I will never act officiously or permit personal feelings, prejudices, political beliefs, aspirations, animosities or friendships to influence my decisions. With no compromise for crime and with relentless prosecution of criminals, I will enforce the law courteously and appropriately without fear or favor, malice or ill will, never employing unnecessary force or abuse and never accepting gratuities.

I recognize the badge of my office as a symbol of public faith, and I accept it as a public trust to be held so long as I am true to the ethics of police service. I will never engage in acts of corruption or bribery, nor will I condone such acts by other police officers. I will cooperate with all legally authorized agencies and their representatives in the pursuit of justice.

I know that I alone am responsible for my own standard of professional performance and will take every reasonable opportunity to enhance and improve my level of knowledge and competence.

I will constantly strive to achieve these objectives and ideals, dedicating myself before God to my chosen profession . . . law enforcement.

Law enforcement officials shall at all times fulfil the duty imposed upon them by law, by serving the community and by protecting all persons against illegal acts, consistent with the high degree of responsibility required by their profession.

In the performance of their duty, law enforcement officials shall respect and protect human dignity and maintain and uphold the human rights of all persons.

Law enforcement officials may use force only when strictly necessary and to the extent required for the performance of their duty.

Matters of a confidential nature in the possession of law enforcement officials shall be kept confidential, unless the performance of duty or the needs of justice strictly require otherwise.

No law enforcement official may inflict, instigate or tolerate any act of torture or other cruel, inhuman or degrading treatment or punishment, nor may any law enforcement official invoke superior orders or exceptional circumstances such as a state of war or a threat of war, a threat

## *Law Enforcement Code of Ethics*

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to national security, internal political instability or any other public emergency as a justification of torture or other cruel, inhuman or degrading treatment or punishment.

Law enforcement officials shall ensure the full protection of the health of persons in their custody and, in particular, shall take immediate action to secure medical attention whenever required.

Law enforcement officials shall not commit any act of corruption. They shall also rigorously oppose and combat all such acts.

Law enforcement officials shall respect the law and the present Code. They shall also, to the best of their capability, prevent and rigorously oppose any violations of them. Law enforcement officials who have reason to believe that a violation of the present Code has occurred or is about to occur shall report the matter to their superior authorities and, where necessary, to other appropriate authorities or organs vested with reviewing or remedial power.

*All personnel shall abide by the code or of ethics set forth in the Law Enforcement Code of Ethics. Training shall be conducted for all personnel, at a minimum, biennially.*

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### **MISSION STATEMENT**

#### Missions Statement

- To reduce crime and disorder
- To reduce opportunities for crime and disorder
- To seek out and implement best practices in service delivery
- To serve the citizens of Mt. Healthy and Hamilton County in a professional non-bias manner.
- To partner with community members to enhance the quality of life and the safety of our community.
- To serve as a positive role model for all but especially our youth

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## **Chapter 1 - Law Enforcement Role and Authority**

## Policy Title

## Law Enforcement Authority

### 101.1 PURPOSE AND SCOPE

The purpose of this policy is to affirm the authority of the members of the Mount Healthy Police Department to perform their functions based on established legal authority.

### 101.2 PEACE OFFICER AUTHORITY

Sworn members of this department are authorized to exercise peace officer powers pursuant to (ORC § 737.11; ORD 34.05

#### 101.2.1 ARREST AUTHORITY WITHIN THE JURISDICTION OF THE MOUNT HEALTHY POLICE DEPARTMENT

The arrest authority of a peace officer extends at all times and any place within the jurisdiction of the employing authority (ORC § 2935.03).

#### 101.2.2 ARREST AUTHORITY OUTSIDE THE JURISDICTION OF THE MOUNT HEALTHY POLICE DEPARTMENT

The arrest authority of any peace officer extends outside the limits of the employing authority pursuant to mutual aid agreements (see the Mutual Aid and Outside Agency Assistance Policy), an arrest warrant or a felony. Such authority also extends during a fresh pursuit in which the following apply (ORC § 2935.02; ORC § 2935.03(D); ORC § 2935.04):

- (a) The pursuit takes place without unreasonable delay after the offense is committed.
- (b) The pursuit is initiated within the limits of the employing authority.
- (c) The offense involves a felony, a misdemeanor of the first or second degree or a substantially equivalent municipal ordinance, or any traffic offense for which points are chargeable.

### 101.3 INTERSTATE PEACE OFFICER POWERS

Peace officer powers may be extended within adjoining states:

- (a) As applicable under interstate compacts and memorandums of understanding in compliance with the laws of each state.
- (b) When an officer enters Indiana, Michigan or West Virginia in fresh pursuit of a person who is in the immediate and continuous flight from the commission of a felony, or in the case of Pennsylvania, in fresh pursuit of a person for any crime (I.C. § 35-33-3-1 (Indiana); MCL 780.101 (Michigan); 42 Pa. C.S. § 8922 (Pennsylvania); W. Va. Code § 62-11-1 (West Virginia)).

Whenever an officer makes an arrest in Indiana, Michigan, Pennsylvania and West Virginia, the officer shall take the offender to a magistrate or judge in the county where the arrest occurred as soon as practicable (I.C. § 35-33-3-2; MCL 780.102; 42 Pa.C.S. § 8923; W. Va. Code § 62-11-2).

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## *Law Enforcement Authority*

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### **101.4 FEDERAL RESERVATIONS**

Any federal peace officer has jurisdiction regarding federal buildings, grounds and property pursuant to 18 USC § 13 and 40 USC § 1315.

Peace officer powers extend to Indian reservations pursuant to 18 USC § 1152, except in the following circumstances:

- (a) A crime was committed by an Indian against the person or property of another Indian.
- (b) An Indian who committed an offense has been punished by the local law of the tribe.
- (c) An Indian tribe has been granted exclusive jurisdiction by stipulation of a treaty.

An officer of the Mount Healthy Police Department has exclusive jurisdiction over a crime committed on Indian reservations by a non-Indian against another non-Indian absent treaty provisions to the contrary.

### **101.5 CONSTITUTIONAL REQUIREMENTS**

All members shall observe and comply with every person's clearly established rights under the United States and Ohio Constitutions.

### **101.6 POLICY**

It is the policy of the Mount Healthy Police Department to limit its members to only exercise the authority granted to them by law.

While this department recognizes the power of peace officers to make arrests and take other enforcement action, officers are encouraged to use sound discretion in the enforcement of the law. This department does not tolerate abuse of law enforcement authority.

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## Chief Executive Officer

### 102.1 PURPOSE AND SCOPE

All law enforcement Chief Executive Officers employed within the State of Ohio are required to meet specific requirements for appointment. This policy provides guidelines for the appointment of the Chief Executive Officer of the Mt. Healthy, who is required to exercise the powers and duties of the office as prescribed by state law.

### 102.2 POLICY

It is the policy of the Mount Healthy Police Department that the Chief of Police meets the minimum standards for exercising his/her authority granted by law.

### 102.3 CHIEF OF POLICE REQUIREMENTS

The Chief Executive Officer of this department, as a condition of appointment, shall meet or exceed the requirements established by the appointing and/or legislative authority. Any Chief Executive Officer who is a sworn peace officer shall, as a condition of continued employment, have completed the course of training prescribed by the Ohio Peace Officer Training Commission (OPOTC), been awarded a certificate by the OPOTC prior to acting as a sworn peace officer and shall comply with any other requirements imposed by the OPOTC (ORC § 109.77(B)(1)). Chiefs of Police shall meet the 40-hour chief of police training course requirement as set forth in ORC § 109.804.

### 102.4 SHERIFF CANDIDATE REQUIREMENTS

A person shall meet the requirements of ORC § 311.01(B) prior to becoming eligible to be elected or appointed to the office of sheriff within the State of Ohio.

A newly appointed or elected sheriff shall complete no less than the basic training course for sheriffs offered by the OPOTC within six months of the general election for sheriff (ORC § 311.01(D)).

## Oath of Office

### 103.1 PURPOSE AND SCOPE

The purpose of this policy is to ensure that oaths, when appropriate, are administered to department members.

### 103.2 POLICY

It is the policy of the Mount Healthy Police Department that, when appropriate, department members affirm the oath of their office as an expression of commitment to the constitutional rights of those served by the Department and the dedication of its members to their duties.

### 103.3 OATH OF OFFICE

All department members, when appropriate, shall take and subscribe to the oaths or affirmations applicable to their positions.

Upon employment, all sworn employees shall be required to swear to an oath of office expressing commitment and intent to respect constitutional rights in discharging the duties of a law enforcement officer (Ohio Constitution Article 15 § 7; ORC § 3.22). The form of the oath shall be as follows:

I do solemnly swear or affirm that I will support the Constitution and laws of the United States of America, the Constitution and laws of the State of Ohio, and the laws and ordinances of the political subdivision to which I am appointed, and to the best of my ability will discharge the duties of this office.

An affirmation may be taken in lieu of an oath if the employee has conscientious scruples against taking an oath (ORC § 3.20). An employee of the Department may offer an affirmation in any form he/she deems binding on his/her conscience (ORC § 3.21).

### 103.4 MAINTENANCE OF RECORDS

The oath of office shall be filed in accordance with the established records retention schedule.

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# Policy Manual

## 104.1 PURPOSE AND SCOPE

The manual of the Mount Healthy Police Department is hereby established and shall be referred to as the Policy Manual or the manual. The manual is a statement of the current policies, rules and guidelines of this department. All members are to conform to the provisions of this manual.

All prior and existing manuals, orders and regulations that are in conflict with this manual are rescinded, except to the extent that portions of existing manuals, procedures, orders and other regulations that have not been included herein shall remain in effect, provided that they do not conflict with the provisions of this manual.

### 104.1.1 CERTIFICATION STANDARDS

This policy contains content that pertains to Ohio Collaborative Law Enforcement Agency Certification (OCLEAC) Standards.

[See attachment: OCLEAC Standards Compliance Checklist 5-19-2020.pdf](#)

## 104.2 POLICY

Except where otherwise expressly stated, the provisions of this manual shall be considered as guidelines. It is recognized that the work of law enforcement is not always predictable and circumstances may arise which warrant departure from these guidelines. It is the intent of this manual to be viewed from an objective standard, taking into consideration the sound discretion entrusted to members of this department under the circumstances reasonably available at the time of any incident.

### 104.2.1 DISCLAIMER

The provisions contained in the Policy Manual are not intended to create an employment contract nor any employment rights or entitlements. The policies contained within this manual are for the internal use of the Mount Healthy Police Department and shall not be construed to create a higher standard or duty of care for civil or criminal liability against the City, its officials or members. Violations of any provision of any policy contained within this manual shall only form the basis for department administrative action, training or discipline. The Mount Healthy Police Department reserves the right to revise any policy content, in whole or in part.

## 104.3 AUTHORITY

The Chief of Police shall be considered the ultimate authority for the content and adoption of the provisions of this manual and shall ensure compliance with all applicable federal, state and local laws. The Chief of Police or the authorized designee is authorized to issue Departmental Directives, which shall modify those provisions of the manual to which they pertain. Departmental Directives shall remain in effect until such time as they may be permanently incorporated into the manual.



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#### **104.4 DEFINITIONS**

The following words and terms shall have these assigned meanings throughout the Policy Manual, unless it is apparent from the content that they have a different meaning:

**Adult** - Any person 18 years of age or older.

**BCI** - Bureau of Criminal Investigation and Identification.

**BMV** - The Ohio Bureau of Motor Vehicles.

**Child/Juvenile** - A person under the age of 18 years.

**City** - The City of Mt. Healthy.

**Civilian** - Employees and volunteers who are not sworn peace officers.

**Department/MHPD** - The Mount Healthy Police Department.

**DPS** - The Ohio Department of Public Safety.

**Employee** - Any person employed by the Department.

**Law enforcement officer** - An employee who is required to be certified by the Ohio Peace Officer Training Commission (OPOTC) pursuant to ORC § 2901.01(11); the term includes sworn full-time, part-time and reserve peace officers who perform the duties of a peace officer.

**Manual** - The Mount Healthy Police Department Policy Manual.

**May** - Indicates a permissive, discretionary or conditional action.

**Member** - Any person employed or appointed by the Mount Healthy Police Department, including:

- Full- and part-time employees
- Sworn peace officers
- Reserve, auxiliary officers
- Civilian employees
- Volunteers

**Officer** - Those employees, regardless of rank, who are sworn employees of the Mount Healthy Police Department.

**OCLEAC - Ohio Collaborative Law Enforcement Agency Certification**

**On-duty** - A member's status during the period when he/she is actually engaged in the performance of his/her assigned duties.

**Order** - A written or verbal instruction issued by a superior.

**OPOTC** - The Ohio Peace Officer Training Commission.

**OSHP** - Ohio State Highway Patrol.

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**Peace officer** - Those persons, regardless of rank, who are identified in ORC § 109.71(A); sworn employees of the Mount Healthy Police Department are peace officers.

**Rank** - The title of the classification held by an officer.

**Shall or will** - Indicates a mandatory action.

**Should** - Indicates a generally required or expected action, absent a rational basis for failing to conform.

**Supervisor** - A person in a position of authority that may include responsibility for hiring, transfer, suspension, promotion, discharge, assignment, reward or discipline of other department members, directing the work of other members or having the authority to adjust grievances. The supervisory exercise of authority may not be merely routine or clerical in nature but requires the use of independent judgment.

The term "supervisor" may also include any person (e.g., officer-in-charge, lead or senior worker) given responsibility for the direction of the work of others without regard to a formal job title, rank or compensation.

When there is only one department member on-duty, that person may also be the supervisor, except when circumstances reasonably require the notification or involvement of the member's off-duty supervisor or an on-call supervisor.

**USC** - United States Code.

#### **104.5 ISSUING THE POLICY MANUAL**

An electronic version of the Policy Manual will be made available to all members on the department network for viewing and printing. No changes shall be made to the manual without authorization from the Chief of Police or the authorized designee.

Each member shall acknowledge that he/she has been provided access to, and has had the opportunity to review the Policy Manual and Departmental Directives. Members shall seek clarification as needed from an appropriate supervisor for any provisions that they do not fully understand.

#### **104.6 PERIODIC REVIEW OF THE POLICY MANUAL**

The Chief of Police will ensure that the Policy Manual is periodically reviewed and updated as necessary.

#### **104.7 REVISIONS TO POLICIES**

All revisions to the Policy Manual will be provided to each member on or before the date the policy becomes effective. Each member will be required to acknowledge that he/she has reviewed the revisions and shall seek clarification from an appropriate supervisor as needed.

Members are responsible for keeping abreast of all Policy Manual revisions.

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Each Sergeant will ensure that members under his/her command are aware of any Policy Manual revision.

All department members suggesting revision of the contents of the Policy Manual shall forward their written suggestions to their Sergeants, who will consider the recommendations and forward them to the command staff as appropriate.

## Policy Title

## **Chapter 2 - Organization and Administration**

## Organizational Structure and Responsibility

### 200.1 PURPOSE AND SCOPE

The organizational structure of the Department is designed to create an efficient means to accomplish the mission and goals and to provide for the best possible service to the public.

#### Department Organization

- (a) The Department is under the direction of the Chief of Police who reports directly to the City Manager.
- (b) The Chief's executive authority for the Department is established by City of Mount Healthy City Council. The Property Management Officer and the Mayor's Court Clerk answer directly to the Police Chief, as do the Day and Night Watch Sergeants.
- (c) The police clerk, investigations, and day watch patrol answer directly to the day watch sergeant
- (d) The night watch patrol answers directly to the night watch sergeant.

The agency's organizational structure and functions shall be depicted graphically on an organizational chart.

- (a) The chart shall be reviewed and updated as needed and will be available to all personnel and the public on the City website.

[See attachment: Proof 1 Description of Organization 11.1.1 Organizational Chart \(2020\).pdf](#)

### 200.1.1 AUTHORITY AND RESPONSIBILITY

Mount Healthy Police Department employees at every level within the Department shall have the authority to make the decisions required for the effective execution of their responsibilities. Each employee shall be held accountable for the use of their delegated authority. Supervisors at each level in the Department are accountable for the performance of employees under their immediate supervision.

#### CHIEF NOTIFICATION

The Chief of Police, or designee, shall be notified immediately by the commanding supervisor of any significant

incident where a question as to the department's liability may exist or may result in heightened community or

media interest. These incidents include, but may not be limited to, the following:

- Suspected or Reported Excessive Use of Force
- Any Use of Force Resulting in Serious Bodily Injury
- Vehicle Pursuit Resulting in Serious Motor Vehicle Accident or Injury
- Arrests Involving Unusual Circumstances or "High-Profile" Individuals
- Possible Civil Rights Violations

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#### *Organizational Structure and Responsibility*

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- Violations of Criminal Law by Departmental Personnel
- Any Incident Involving Departmental Personnel that Resulted in Significant Property Damage
- Any Incident Involving a Departmental Employee's Failure to Act Resulting in a Serious Injury or Significant Loss of Property
- Domestic Situations involving Departmental Personnel

No departmental employee shall imply or accept financial liability for loss or damage on behalf of the City of Mount Healthy. Any inquiries concerning financial liability will be referred to the City Attorney.

#### **200.2 DIVISIONS**

The Chief of Police is responsible for administering and managing the Mount Healthy Police Department. There are two sections in the Police Department:

- Patrol Section
- Investigation Section

##### 200.2.1 ADMINISTRATION DIVISION

[See attachment: mounthealthy-oh-2.pdf](#) The Police Chief shall be appointed by and report to the Manager and be a certified police officer in the State of Ohio or become certified within a reasonable period determined by City Council. The operating rules and procedures of the Police Department shall be established by the Police Chief with the approval of the Manager. Disciplinary action shall be taken by the Police Chief with the right of appeal to the Manager. The appointment, promotion, and removal of members of the Police Department, including the Police Chief, shall be made by the Manager in accordance with this Charter.

[See attachment: mounthealthy-oh-2.pdf](#)

The Police Chief is responsible for the overall management of the Department including management of the department budget and the designation of the custodian of records. The Police Chief is assisted by the Police Clerk, The Property Management Officer, and the Mayor's Court Clerk.

##### 200.2.2 OPERATIONS DIVISION

The Patrol Section is commanded by the assigned Sergeant, whose primary responsibility is to provide general management direction and control for the Patrol Section.

##### 200.2.3 INVESTIGATION DIVISION

The Investigation Section is commanded by the assigned Sergeant, whose primary responsibility is to provide general management direction and control for the Investigation Section.

#### **200.3 COMMAND PROTOCOL**

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##### 200.3.1 SUCCESSION OF COMMAND

The Chief of Police exercises command over all personnel in the Department. During planned absences the Chief of Police will designate a Sergeant to act in the place of the Chief of Police.

Except when designated as above, the order of command authority in the absence or unavailability of the Chief of Police is as follows:

- (a) Patrol Sergeant
- (b) Officer in Charge

##### 200.3.2 UNITY OF COMMAND

The principles of unity of command ensure efficient supervision and control within the Department. Generally, each employee shall be accountable to one supervisor at any time for a given assignment or responsibility. Except where specifically delegated authority may exist by policy or special assignment (e.g., Canine, SWAT), any supervisor may temporarily direct any subordinate if an operational necessity exists.

##### 200.3.3 ORDERS

Members shall respond to and make a good faith and reasonable effort to comply with the lawful order of superior officers and other proper authority.

##### 200.3.4 UNLAWFUL AND CONFLICTING ORDERS

No member is required to obey any order that outwardly appears to be in direct conflict with any federal law, state law or local ordinance. If the legality of an order is in doubt, the affected member shall ask the issuing supervisor to clarify the order or confer with a higher authority. Responsibility for refusal to obey rests with the member, who shall subsequently be required to justify the refusal.

Unless it would jeopardize the safety of any individual, members who are presented with an order that is in conflict with a previous order, department policy or other directive, shall respectfully inform the issuing supervisor of the conflict. The issuing supervisor is responsible for either resolving the conflict or clarifying that the order is intended to countermand the previous order or directive, in which case the member is obliged to comply. Members who are compelled to follow a conflicting order after having given the issuing supervisor the opportunity to correct the conflict are not held accountable for disobedience of the order or directive that was initially issued.

The person issuing the countermanded order shall be notified in writing by the person issuing the second command of the action taken and the reason therefore.



## Departmental Directives

### 201.1 PURPOSE AND SCOPE

Departmental Directives titled as Chiefs General Orders will be used to establish interoffice communications that may be used by the Chief of Police to make immediate changes to policy and procedure, in accordance with the current memorandum of understanding or other employment agreement. Departmental Directives will immediately modify or change and supersede sections of this manual to which they pertain. Only the Police Chief has the authority to issue a written directive.

Changes in chief executive officers should be accomplished without disruption to services provided by the agency. Written directives have an element of implicit permanency in the agency; however, during periods of leadership change it is important to ensure policies remain relevant and contemporary. This should be accomplished with a bridging document that indicates until otherwise amended or remanded, all policies of the organization remain in effect.

#### 201.1.1 DEPARTMENTAL DIRECTIVES PROTOCOL

Departmental Directives will be incorporated into the manual, as required, upon staff approval. Departmental Directives will create a new policy or will modify an existing policy, which will be rescinded upon its incorporation into the manual.

All existing Departmental Directives have now been incorporated in the updated Policy Manual as of the revision date shown.

Any Departmental Directives issued after publication of the manual shall be numbered consecutively starting with the last two digits of the year, followed by the number "01." For example, 11-01 signifies the first Departmental Directive for the year 2011. Each Departmental Directive should include the authored date, effective date and the acknowledgement/compliance date for the specific Departmental Directive.

#### 201.1.2 SPECIAL ORDERS PROTOCOL

Special Orders establish a temporary policy or procedure on a given subject for a specific length of time. Special Orders are issued to the organization as a whole, to a section, to a unit or to an individual. Special Orders become inoperative with the passing of the incident or situation that caused the order to be issued.

#### 201.1.3 WRITTEN DIRECTIVE FORMAT

All General Orders, and other written directives will follow the prescribed format and include:

- (a) Purpose: The purpose should provide a brief statement of the need or goal of the order.
- (b) Discussion: If needed, the discussion provides a brief examination into the subject in support of and justification for the order.
- (c) Definitions or Terminology (if needed).
- (d) Policy: Provides a statement of policy.

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- (e) Procedures: The procedure shall clearly delineate the method of completing tasks or effecting an act composed of steps or a course of action.
- (f) Issue Date.

#### 201.1.4 PROCEDURES FOR INDEXING, PURGING, AND REVISING DIRECTIVES

**Indexing:** General Order's and other written directives contain a searchable index, which shall list the main subject title. The index is available to all members and located on all Mount Healthy Police Department Computers.

Revision of the Operations Manual:

- (a) The Manual shall be reviewed on a regular basis for the purpose of indexing, purging, updating, and revising directives.
- (b) As new or additional directives are distributed for placement in the Manual, a statement will be attached explaining what section is to be purged, updated, or revised depicting what pages should be added or deleted. Electronic acknowledgement of the updated and/or revised policy will be conducted by all members.
- (c) Proposed revisions to the Operations Manual may be submitted by any member of the Department.
- (d) Once a written directive has been signed by the Police Chief it will be formulated into manual format before issue.

#### 201.1.5 STATEMENTS OF AGENCY POLICY AND RULES AND REGULATIONS

Statements of Department policy, rules and regulations are contained within the General Orders and Policy and Procedure Manual. Each employee shall be responsible for knowledge of, and compliance with all official Department directives pertaining to their assignment.

#### 201.1.6 PROCEDURES FOR CARRYING OUT DEPARTMENT ACTIVITIES

Procedures for carrying out Department activities are contained within the General Orders, and the Policy and Procedures Manual. Written directives at any level shall not conflict with established policies and procedures directed by a higher authority.

#### 201.1.7 REVIEW

The Police Chief or his/her designee will review proposed or revised policies, procedures, rules, and regulations prior to their promulgation to ensure they do not contradict other existing agency directives or applicable law.

### 201.2 VALUES AND MISSION STATEMENT

Missions Statement

- To reduce crime and disorder
- To reduce opportunities for crime and disorder
- To seek out and implement best practices in service delivery

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- To serve the citizens of Mt. Healthy and Hamilton County in a professional non-bias manner.
- To partner with community members to enhance the quality of life and the safety of our community.
- To serve as a positive role model for all but especially our youth

#### **201.2.1 ANNUAL UPDATING / GOALS AND OBJECTIVES**

Goals and objectives for the Mount Healthy Police Department including the Patrol and Investigation Section are based on the Department Strategic Plan and will be updated annually.

All employees will have an opportunity to provide input in formulating goals and objectives of the Department. The Police Chief will post an announcement requesting such employee input.

When requested or upon personal initiative, personnel shall make written recommendations for updates to the annual Goals and Objectives through the chain of command. Recommendations will be received and forwarded to the Police Chief with any appropriate comments or suggestions. The Police Command Staff shall review all comments and suggestions for their merit.

Prior to January each year, an interdepartmental correspondence outlining adopted goals and objectives of the Department will be made available to all personnel. A copy of the departmental goals and objectives will be placed in the lobby and on the Department bulletin board in the employee locker room.

#### **201.3 RESPONSIBILITIES**

##### **201.3.1 STAFF**

The Chief of Police or designee shall review and approve revisions of the Policy Manual and will incorporate changes originally made by Departmental Directives.

##### **201.3.2 CHIEF OF POLICE**

The Chief of Police or designee shall issue all Departmental Directives.

#### **201.4 ACCEPTANCE OF DEPARTMENTAL DIRECTIVES**

All employees are required to read and obtain any necessary clarification of all Departmental Directives. All employees are required to acknowledge in writing the receipt and review of any new Departmental Directive. Signed acknowledgement forms and/or e-mail receipts showing an employee's acknowledgement will be maintained by the Police Chief.

## Policy Title

## Emergency Management Plan

### 203.1 PURPOSE AND SCOPE

The City has prepared, in compliance with State of Ohio requirements, an Emergency Management Plan (ORC § 5502.26, ORC § 5502.27 and ORC § 5502.271). This plan is for the guidance and use by all employees in the event of a major disaster, civil disturbance, mass arrest or other emergency event. The plan provides for a strategic response by all employees and assigns specific responsibilities in the event the plan is activated.

### 203.2 PLANNING RESPONSIBILITY

The Police Chief or his/her designee is responsible for coordinating the planning function for the Department's response to states of emergency or natural or man-made disasters, for liaison with the local Emergency Management Agency, for reviewing and updating those plans as necessary.

The first supervisor on the scene shall serve as Incident Commander and shall remain on the scene to direct and coordinate all agency response activities, deploy personnel, and coordinate additional support as needed until a transfer of command is initiated and completed. The position of Incident Commander shall transfer upwards through the chain of command after a senior ranking supervisor arrives on scene and notifies the supervisor serving as Incident Commander that he or she is taking command.

### 203.3 ALL HAZARD PLAN

The Mount Healthy Police Department has adopted an Integrated Emergency Management Plan (IEMP). The IEMP is an all hazards plan for responding to critical incidents such as natural and man-made disasters, pandemics, civil disturbances, mass arrests, bomb threats, hostage barricaded person situations, acts of terrorism, and other unusual incidents. The plan follows CALEA standard Incident Command System (ICS) protocols, including functional provisions for Command (46.1.3), Operations (46.1.4), Planning (46.1.5), Logistics (46.1.6 and Finance/Administration (46.1.7).

### 203.4 COMMAND FUNCTION

The command function includes the following:

#### 203.4.1 ACTIVATING THE INCIDENT COMMAND SYSTEM

The Incident Command System is to be activated during any public safety activity involving one or more of the following five (5) conditions or any other incident where the responding department member determines that activation of the Incident Command System would be beneficial in maintaining control of a situation.

- Terrorist Activities and/or Weapons of Mass Destruction (WMD)
- Natural Disasters
- Transportation Accidents
- Criminal Activities

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- Fire/Hazardous Materials Accidents

#### 203.4.2 ESTABLISHING A COMMAND POST

The first responding officer who decides to activate the ICS shall establish and announce the Scene Command Post. Initially this will be the first responding officer's vehicle. The location should be between the inner and outer perimeter. The location does not necessarily need to be located within view of the scene.

The Incident Commander should be aware that changing conditions may make it necessary to relocate the Command Post.

When it appears that the situation will require a Command Post for an extended period, a location equipped with phones, lighting, air conditioning, heat, restrooms, and provide privacy and security away from the scene away from the scene and public eye should be sought out.

#### 203.4.3 NOTIFICATION AND MOBILIZATION OF ADDITIONAL AGENCY PERSONNEL

Depending upon the size, scope, and seriousness of the incident, it may become necessary for the Incident Commander to activate and mobilize additional agency personnel to assist with the Incident Command. These Command Staff positions shall report directly to the Incident Commander and may include:

Incident Commander	Public Information Officer	Safety Officer
Liaison Officer	Agency Representatives	Operations Section
Planning and Intelligence	Staging Area Supervisor	Finance
Personnel Group Supervisor	Log/Scribe	

#### 203.4.4 OBTAINING SUPPORT FROM OTHER AGENCIES

The Incident Commander may determine that support from additional agencies is needed. Contact shall be made by the best available means with the Hamilton County Communications Center to request these resources. Requests should identify in as much detail as possible, what type of resource(s) is needed, how many, how soon and where the responding agencies should report or deploy. In some cases, these resources may be directed to a staging area.

#### 203.4.5 ESTABLISHING A UNIFIED COMMAND

Once ICS is activated by any supervisor, a unified command (personnel from various agencies such as fire, EMS, Public Works, PIOs etc.) if necessary

(a) Unified Command:

1. The purpose of unified command is for all agencies with responsibility for the incident – either geographic or functional – to manage an incident by establishing a common set of incident objectives or strategies. It does not mean that an agency gives up or loses any of its authority, responsibility, or accountability.
2. Unified command may be applied to incidents that affect more than one political jurisdiction; for incidents involving multiple agencies with a single jurisdiction; and/or incidents that impact multiple geographic and functional agencies.

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3. The focus of unified command is not as much on who is in-charge, but on who is in-charge of what. The concept of unified command means that all involved agencies contribute to the command process by:
  - (a) Determining overall objectives;
  - (b) Planning jointly for operational activities while conducting integrated operations;
  - (c) Maximizing the use of all assigned resources.
4. When unified command is established, the following will always apply:
  - (a) The incident functions under a single, coordinated action plan involving all response disciplines;
  - (b) One person is designated as having responsibility for implementing the action plan; and,
  - (c) One Incident Command Post is established.

#### 203.4.6 ESTABLISHING A STAGING AREA

It may be necessary to establish one or more staging areas to support the incident and to receive incoming resources. The IC or Staging Area Director (SAD) should initially consider using staging areas that are listed within the IEMP. The IC or SAD should select staging areas that are large enough for resources to be staged and transferred efficiently to and from the scene. Staging areas should be between the inner and outer perimeter to ensure that traffic and crowds do not interfere with the movement of resources to the scene.

#### 203.4.7 PROVIDING PUBLIC INFORMATION & MAINTAINING MEDIA RELATIONS

The IC shall use department Public Information Officers (PIO) or designate a PIO to assist with providing information to the public and maintaining media relations. The PIO formulates informational releases for the news media, other agencies, and personnel as directed by the Incident Commander. The PIO shall be the designated spokesperson for the release of information to the media.

#### 203.4.8 MAINTAINING THE SAFETY OF ALL AFFECTED PERSONNEL

The IC shall take the steps to maintain the safety of all affected personnel. The IC may designate a Safety Officer for the incident. The Safety Officer shall assess hazardous and unsafe situations, develop measures for insuring personnel safety, and may exercise emergency authority to halt unsafe operations.

#### 203.4.9 DOCUMENTED AFTER ACTION REPORT

An after-action report describing any incident wherein ICS was used by the police department shall be prepared by the IC and submitted to the Chief of Police no later than 15 days following the conclusion of the incident.

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### **203.5 OPERATIONS FUNCTION**

The Operations Function, at a minimum, shall include the following:

#### **203.5.1 ESTABLISHING PERIMETERS**

The IC shall establish an Inner and Outer Perimeter for the incident.

The inner Perimeter shall be a strictly controlled area around the Danger Area of the incident. There shall be no uncontrolled movement in or out of that zone. It must be set and established immediately. When doing so, the IC should ensure cover and concealment, proper distance from kill zone or other potential danger. The Inner Perimeter may be used to protect areas of critical vulnerability, ie: gun shops, power/water plants, hospitals, nursing homes, schools, etc.

The Outer Perimeter shall include vehicular traffic and pedestrian/crowd control points to control access and egress to and from the incident scene in order to prevent traffic gridlock and to mitigate potential harm to persons not involved in the incident. This perimeter is set outside of the inner perimeter. Operations generally do not take place in this zone. The Incident Command Post, staging areas, medical triage areas, landing zones and pick up zones, assembly areas, and other special locations may be established inside this zone.

#### **203.5.2 CONDUCTING EVACUATIONS**

##### **INCIDENT COMMAND SYSTEM STRUCTURE FOR EVACUATION**

This section describes the incident command system (ICS) structure that should be implemented during an emergency evacuation. In most emergency incidents, it is very likely that not all elements of ICS will be utilized; however, all aspects should be considered. The Incident Commander will determine the necessary sections, branches, and Groups required for an emergency evacuation specific to the circumstances and incident hazards known at the time of the event.

When the Incident Commander (IC) or Chief Elected Official or their designee, determines that an evacuation order is necessary to protect the health and welfare of persons, the IC will request local resources to organize under the principles of the Incident Command System. The following Sections may be implemented:

- Operations Section
- Planning Section
- Logistics Section
- Administration Section

##### **Operations Section**

The actual evacuation process would normally be managed in the Operations Section as an Evacuation Branch. The following Branches may be implemented in addition to the Evacuation Branch:

- Medical Branch
- Hazmat Branch



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- Fire/Rescue Branch
- Geographic Branches

#### Evacuation Branch

The Evacuation Branch officer may be either a police or fire officer. Branches will be implemented as needed. Branch officers receive the plan and objectives from Command. Branch officers direct Groups in completing the plan and objectives. The Evacuation Branch must be provided with enough resources to effectively complete the task. Groups will also need to be established and report to the Evacuation Branch officer. Group assignments within the Evacuation Branch will be assigned as necessary. Groups to be considered include:

- Transportation Groups
- Public Information Group
- Geographic Divisions (Multiple Groups)•
- Police Liaison Group
- Staging Group
- Reception Division
- Shelter Division
- Other Agency Liaison Groups
- Other Divisions and Groups as Necessary

On large-scale evacuations a large commitment of law enforcement officers will be required to accomplish an evacuation. The Evacuation Branch must obtain a ranking police official at his/her location in order to closely coordinate evacuation efforts. An appropriate commitment of police resources must be obtained. Evacuation responsibilities include:

- Obtain resources needed to evacuate the identified area(s).
- Obtain ranking police officer as liaison.
- Provide a ranking fire officer to the Branch officer.
- Establish Evacuation Divisions as needed.
- Provide Division objectives and specific areas to evacuate (provide map).
- Provide Divisions with shelter location and instructions.
- Provide Divisions with evacuation instruction pads and written evacuation information for evacuees if possible (consider needs for multiple languages).
- Provide Divisions with private vehicle routing instructions (out of the area).
- Obtain/provide ambulances, buses or other transportation to those requiring

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- transportation out of the area.
- Evacuate those at greatest risk first.
- Evacuate the greatest concentrated areas next (i.e., apartment complex).
- Consider individual Divisions for large population occupancies (i.e., multi-story buildings, large apartment complexes, schools, etc.).
- As individual geographic or grid Divisions complete their evacuations, terminate the Division identity and reassign resources to other developing Divisions (for large-scale evacuation).
- Closely document and maintain records of the evacuation process to avoid duplication or missed areas.
- Document those addressees and times for those refusing to leave.

For large-scale evacuations a Transportation Group should be established in the Evacuation Branch. Ambulances and other transport vehicles should be staged if a citizen may need transportation to a shelter or other location. Non-ambulatory people must be located, and information provided to the Transportation Group so that they are not overlooked in the evacuation. Transportation Group tasks include:

- Obtain buses (start with a minimum of two) and other vehicles that can be used for transportation.
- Stage all transportation resources.
- Put one firefighter or police officer on each vehicle equipped with a fire or police department radio.
- Coordinate the evacuation assembly areas for citizens needing transportation.

#### Planning Section

The Planning Section is responsible for all planning associated with the evacuation. The evacuation plan is communicated to the Incident Commander for approval or modification. The Planning Section would be responsible for developing an evacuation plan in cooperation with Law Enforcement and other agencies that play a supporting role in the Incident Command System organization. Evacuation planning considerations include:

- If the incident is contained to one jurisdiction, the local police official will conduct the evacuation under the 'Incident Command System'.
- If the incident involves more than one jurisdiction, the evacuation will be conducted under the 'Joint Command System'.
- If the incident impacts several jurisdictions, the evacuation will be conducted under the 'Unified Command System'.
- A separate radio frequency should be used for the Evacuation Branch. This should be assigned as early in the incident as possible.

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- A uniform marking system will be used to indicate:
  - Residents have been informed and will evacuate.
  - Residents were not in premises.
  - Residents refused to evacuate.
- A mobile command post may be used to deploy evacuators and log evacuation progress.
- Permission to enter restricted areas will be determined by the Incident Commander.
- Emergency vehicles and essential personnel with proper identification may be allowed to travel in restricted areas with proper identification.
- Evacuators will be assigned areas to evacuate and reporting method to be used.
- Evacuators will be provided with personal protective equipment where necessary.
- Evacuators will be given information on life safety issues prior to evacuation.
- Evacuators will be provided with evacuation and/or Shelter-in-Place guides.
- Evacuators will be provided with the marking system to be used.
- Reentry identification criteria and oversight will be the responsibility of the Incident Commander.
- Reentry into an evacuated area will be determined by the Incident Commander in consultation with other emergency responders based upon life safety criteria.
- County Emergency Management will coordinate evacuation assistance when a local jurisdiction(s) determines it is beyond their capacity or upon request of the Incident Manager or other elected official.
- Law enforcement assistance may be requested of local Sheriff Departments, the State Patrol, ODNR Wardens, National Guard, Coast Guard, or others, in accordance with mutual aid agreements.

#### Incident Command Responsibilities

The Incident Commander (IC) is the one person in charge of the emergency evacuation. They are responsible for assessing the situation, directing the emergency evacuation, and determining the necessary resources to complete the evacuation in an orderly fashion. They are responsible for determining and prioritizing all aspects of the evacuation operation. Command's responsibilities include the following items:

- Rapidly size up the situation to determine the need to evacuate.
- Develop Evacuation Plan.
- Request a police supervisor to the Command Post.
- Determine evacuation perimeters.
- Determine the number and location of shelter sites and communicate the locations

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to the Command organization.

- Order evacuation.
- Provide resources required.
- Establish police liaison; request a ranking police officer to the Command Post.
- Provide a ranking fire officer to the police liaison officer/Police Command Post.
- Order the alert of other appropriate agencies.
- Expand the Command organization to meet the incident/evacuation needs.
- Establish an evacuation plan and communicate the plan to Branches, Groups and agency liaisons.
- Monitor, support and revise the evacuation process as necessary.
- Evacuate persons from the greatest danger first.
- Assign specific areas to evacuate in order to avoid duplication or missed areas.
- Provide the transportation necessary for evacuees.
- Provide continuing command of the evacuation, de-commitment and return of evacuees.
- Determine the need to implement a unified command structure involving other agencies, depending upon the nature of the incident.

#### Communications and Dispatch Responsibilities

- Dispatch appropriate resources as requested.
- Notify the appropriate Law Enforcement, Fire and City officials.
- Notify the appropriate support agencies as requested.
- Initiate recall of additional Dispatch staff to meet the demands of the incident.
- Notify the hospitals in the area of evacuation (both those exposed and not exposed) and provide a status report and updates as needed (intermediate and large-scale evacuations).
- Update Law Enforcement and Fire Administration staff of the status of the incident if it is during normal business hours to be responsive to citizens requesting information.

#### Public Information Officer Responsibilities/Media Support

The incident PIO should be informed of the evacuation plan so that the media is aware of the areas to be evacuated and shelter sites and any evacuation instructions to the public. The PIO should make every effort to assemble the media at the scene to keep them away from hazards and out of the evacuation area. Residents may receive information from the media during the evacuation, so it is critical that the media information be accurate.

- Establish PIO Division.

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- Utilize a single phone number that should be released to the public for information.
- Notify the news media and provide status reports and updates as necessary.
- Provide the medic with consistent and accurate evacuation instructions as provided IC.
- Utilize the media and coordinate evacuation notices through news media.

#### Law Enforcement Responsibilities

Local law enforcement will be an integral part of the evacuation process, as a large portion of the evacuation is usually accomplished by the Police Department. A local police department representative will need to be assigned to the Planning Section and another to the Evacuation Branch as a liaison. The police liaisons will communicate with other parties in the Police Department and keep them informed of the plan, progress, etc.

Police responsibilities include:

- Provide a ranking officer to the Incident Command Post.
- Provide a ranking officer to the Evacuation Branch.
- Develop a Police Incident Command System to manage police operations.
- Provide a communication system for police resources.
- Provide police resources needed for evacuation.
- Provide traffic control and traffic routing.
- Provide perimeter security.
- Provide evacuation zone security.
- Identify transportation needs.

#### 203.5.3 MAINTAINING COMMAND POST AND SCENE SECURITY

The IC should take steps to assure and maintain Command Post and Scene Security.

Command Post security can be accomplished by designating one or more law enforcement personnel to limit access to the Command Post and to protect it from potential threats or attacks.

Scene security can be accomplished by use of perimeters, and by designating one or more law enforcement personnel to limit access to the scene and to protect it from potential threats or attacks.

#### 203.5.4 DETAINEE TRANSPORTATION, PROCESSING AND CONFINEMENT

The IC will assess the transportation needs of the situation and take the actions necessary to secure the required transportation. City owned vehicles will be used as the

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primary source of transportation. However, when mutual aid is requested, all personnel responding from other agencies will be requested to provide marked police vehicles to assist with transportation needs. When required, vans and a bus may be requested from the Hamilton County Sheriff's Office. Additional transportation assists should be requested through the Hamilton County Emergency Management Agency.

The following contingency plans are to be followed in the event mass arrest action becomes necessary to facilitate the restoration of order:

- Persons arrested will be removed as soon as possible from the scene to a nearby holding area for initial processing and to await transportation to jail.
- Upon arrival at the holding area, persons arrested will be identified, if possible, and photographed with a digital camera. A signboard shall be included in each photo that contains at a minimum the following information:
  - Date and Time
  - Defendant's Name, Date of Birth and Social Security Number
  - Location of Arrest
  - Offense Charged
  - Arresting Officer's Name and Department

#### **Example Arrestee Signboard**

10/15/09 1500 hours

SMITH, JAMES DC/Resisting 123-90-4567

Community Park DC/Resisting

Johnson, N MHPD

Juvenile Offenders - Whenever possible, juvenile offenders will be processed through and released to their parents or other responsible adults, rather than incarcerated. Only in exceptional circumstances or for serious violations will juveniles be taken to the Hamilton County Youth Center. In instances where parents of young children are arrested, an attempt will be made to locate a responsible adult that can assume custody of their children with parental permission. When this is not possible, Children's Services will be contacted to intervene and to make temporary custody arrangements.

Transportation of Detainees - Officers will be assigned to transport prisoners from the holding area to jail, or to a designated medical facility for treatment of any injured prisoners. When required, vans and a bus may be requested from the Hamilton County Sheriff's Office, as well as personnel to operate the vehicles.

Temporary Detention Facilities - Arrangements will be made for the use of a relatively large and conveniently located facility should the need arise for a temporary detention

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area. An officer will be assigned as booking officer at the temporary holding facility to complete the required paperwork for the arrest based upon information on the photo labels as well as other information relayed by the transporting officers.

**Evidence Collection** - The Mount Healthy Police Department shall maintain the responsibility for evidence collection, preservation, and storage during a civil disturbance where arrests are made and/or crimes committed.

**Security of Detention Facilities** - Should the nature and size of the incident require assistance from other law enforcement agencies, those officers will be assigned first to provide security at the temporary detention facility, and the designated medical facility when any prisoner is taken there for treatment. Officers from other agencies will be assigned additional duties as needed. Consideration should be given to using officers from other agencies where knowledge of the City geography and departmental directives are not essential.

**Identification of Offenders** - During the police operation at the incident scene, an Investigator will be assigned to provide evidence collection work, in addition to other duties as determined by the Officer-in-charge. Consideration may be given to having the scene and participants photographed for possible future use in identifying participants as well as for evidence in subsequent court proceedings.

**Interagency Agreements** - The Mount Healthy Police Department is a participating agency in the Hamilton County Mutual Assistance Contract. In addition, state law section 737.041 provides for assistance upon request from agencies without contract.

**Defense Counsel Visitation** - Defense counsel visitation shall be limited to visitations after the person has been processed at the Hamilton County Jail. Upon arrival at the jail persons arrested at the incident scene will be processed and then provided the opportunity for defense counsel visitation if requested in accordance with the policies of the Hamilton County Sheriff's Office or the person in charge of the jail facility if not located in Hamilton County.

**Court and Prosecutor Liaison** - Should an incident develop into a mass arrest situation, the City attorney or a representative of the Hamilton County Prosecutors office will be summoned to provide legal advice and assistance as well as to expedite the presentation of charges and to act as a liaison to the Court.

**Public Information Officer** - The police department public information officer will also be called to coordinate and provide information to members of the news media regarding the incident. The PIO is empowered to act as spokesperson for the department and shall follow department procedures regarding to release of information about arrestees.

**Provision for Food, Water & Sanitation** - Although persons arrested at the scene of an incident will be in the holding area for only a brief period of time, their stay in the temporary detention facility may be of a longer duration, requiring attention to basic

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human needs of food, water, and sanitary facilities. Site selection of a temporary detention area includes consideration of adequate existing sanitary facilities and water supply. A person assigned by the Chief of Police or his designee will arrange for purchase of prepared food items from local food service outlets. Delivery to the temporary detention area may be arranged as necessary.

Medical Treatment of Detainees - Medical treatment in all situations shall be rendered by the Mount Healthy Fire/EMS service or an agency directed by them to provide such aid.

#### **203.5.5 DIRECTING AND CONTROLLING TRAFFIC**

Officers may be called upon to direct or control traffic at or near an incident scene. Traffic Control Posts may be established as part of the Inner and Outer Perimeters. Officers are not permitted to operate a traffic control signal manually, without permission of a supervisor, except to place the unit on "flash" when it has been determined that the unit is malfunctioning, or manual control of the intersection is otherwise required. The officer must inform the communications center of the malfunctioning traffic signal device so that repairs can be made.

Generally, temporary traffic control devices will be used only in pre-scheduled special events or road construction projects. The devices will normally be placed and removed by the Ohio department of Transportation, the Hamilton County Engineer or the Mount Healthy Public Works Department with the Police Department coordinating placement of such devices. Portable and temporary stop signs may also be used in emergency cases. These would include accidents, natural disaster, etc.

Officers will wear the department issued reflective traffic vest in addition to the authorized uniform when conducting scheduled manual traffic direction and control.

An officer, in response to controlling traffic at an emergency, may forgo the wearing of the reflective traffic vest until such time as the situation is under control.

#### **203.5.6 POST INCIDENT INVESTIGATION**

Depending upon the nature of the incident, it may be necessary to conduct a Post-Incident Investigation. In that case, the investigation shall be conducted in accordance with department Directive 42.2.

### **203.6 PLANNING FUNCTION**

The planning Function includes the following:

#### **203.6.1 PREPARING DOCUMENTED INCIDENT ACTION PLAN**

The Incident Command System emphasizes orderly and systematic planning and the Incident Action Plan is the central tool for planning during a response to a disaster emergency. The Incident Action Plan is prepared by the Sergeant assigned by the Police Chief. It should be written at the outset of the response and revised continually throughout the response.



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Incidents vary in their kind, complexity, size, and requirements for detailed and written plans. In an initial response for an incident that is readily controlled, a written plan may not be necessary. Larger, more complex incidents will require an Incident Action Plan to coordinate activities. The level of detail required in an Incident Action Plan will vary according to the size and complexity of the response.

The plan must be accurate and completely transmit the information generated during the planning process. The plan must be prepared and distributed prior to the Operations Shift Briefing. A plan must be prepared for each operational period. A planning process has been developed as part of the Incident Command System to facilitate the development of an Incident Action Plan in an orderly and systematic manner. The following explains the planning process required to develop an Incident Action Plan. Following the planning steps will allow for the development of an Incident Action Plan in a minimum amount of time.

#### **Incident Action Planning Checklist**

The steps outlined in this Checklist will allow for the development of an IAP in a minimum amount of time. Not all incidents require detailed written plans. Recognizing this, the following planning process provides a series of basic planning steps which are generally appropriate for use in any incident situation. The determination of the need for written IAPs and attachments is based on the requirements of the incident, and the judgment of the Incident Commander.

The planning meeting will be conducted by the assigned Sergeant. The checklist which follows is intended to provide a basic sequence of steps to aid the Sergeant in developing the incident action plan.

<b>Checklist Item</b>	<b>Primary Responsibility</b>
Briefing on situation and resource items	Assigned Sergeant
Set overall objectives and priorities for period/shift	Police Chief
Identify activity areas and control objectives	Assigned Sergeant
Specify tactics for each Group	Assigned Sergeant
Specify resources needed by each Group	Assigned Sergeant
Specify facilities and reporting locations	Assigned Sergeant
Place resource and personnel order	Assigned Sergeant
Consider communications, medical and traffic plan requirements	Police Chief
Finalize, approve and implement incident action plan	Police Chief

#### **203.6.2 GATHERING AND DISSEMINATING INFORMATION AND INTELLIGENCE**

The Assigned Sergeant collects, evaluates, and disseminates incident situation information and intelligence to the IC or Unified Command (UC) and incident management personnel, prepares status reports, displays situation information, maintains status of resources assigned to the incident, and develops and documents the IAP based on

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guidance from the IC or UC.

The words “intelligence” and “information” are often used interchangeably. Incident Intelligence specifically refers to incident specific activities, where the information and/or data collected is used for strategic planning and decision-making. Data is collected from a variety of sources including responders at the incident scene, victims, witnesses or bystanders, outside agencies or other means. Specific information or products developed and disseminated to all levels of the ICS and to incident command and management officers is generally utilized in the operational and logistical decision-making process. Examples of products produced by an Intelligence section may include local/geographic area/national situation reports, weather forecasts, HAZMAT or fire behavior/danger/potential forecasts, etc. The primary audience for Intelligence related products and service is the decision-maker, that is, the individual IC and/or those managers that make tactical or strategic decisions pertaining to the allocation of resources or other incident management objectives.

Incident information is the gathering of generalized information pertaining to an incident or incidents that is formatted in a manner to keep the public abreast and informed about an incident (i.e. incident size, area restrictions, road closures, etc). Incident news releases can be a valuable source of information dealing with the “human interest” side of the incident (evacuations, closures, social/economic impacts, etc). The primary audience for incident information is the external audience (i.e. general public, news media, and political entities). Incident information is not generally used for tactical or strategic planning, although there are times where some information is learned that is beneficial to the decision-maker. The PIO will be critical to this process.

#### 203.6.3 PLANNING POST INCIDENT DEMOBILIZATION

The Demobilization Unit Leader is responsible for the preparation of the Demobilization Plan and schedule. The Demobilization Unit Leader assists the Command and General Staff in ensuring an orderly, safe, and efficient movement of personnel and equipment from the incident. The Demobilization Unit Leader reports to the Planning Chief.

Demobilization Unit Leader Position Checklist - The following checklist should be considered as the minimum requirements for this position. Note that some of the tasks are one-time actions; others are ongoing or repetitive for the duration of the incident.

- Obtain briefing from Planning Section Chief:
  - Determine objectives, priorities and constraints on demobilization.
- Review incident resource records to determine scope of demobilization effort:
  - Resource tracking system.
  - Check-in forms.
  - Master resource list.
- Meet with agency representatives to determine:

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- Agencies not requiring formal demobilization.
- Personnel rest and safety needs.
- Coordination procedures with cooperating-assisting agencies.
- Assess the current and projected resource needs of the Operations Section.
- Obtain identification of surplus resources and probable release times.
- Determine logistical support needs of released resources (rehab, transportation, equipment replacement, etc.).
- Determine Finance/Administration, Communications, Supply, and other incident check-out stops.
- Determine de-briefing requirements.
- Establish communications links with off-incident organizations and facilities.
- Prepare Demobilization Plan:
  - General - Discussion of demobilization procedure.
  - Responsibilities - Specific implementation responsibilities and activities.
  - Release Priorities - According to agency and kind and type of resource.
  - Release Procedures - Detailed steps and process to be followed.
  - Directories - Maps, telephone numbers, instructions and other needed elements.
  - Continuity of operations (follow up to incident operations):
    - Public Information
    - Finance/Administration
    - Other
- Designate to whom outstanding paperwork must be submitted.
- Include demobilization of Incident Command Post staff. In general, Incident Command Post staff will not be released until:
  - General - Discussion of demobilization procedure.
  - Incident activity and workload are at the level the agency can reasonably assume.
  - Incident is controlled.
  - On-scene personnel are released except for those needed for final tactical assignments.
  - Incident Base is reduced or in the process of being shut down.
  - Planning section has organized final incident package.
  - Finance/Administration Section has resolved major known finance

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problems and defined process for follow-up.

- Rehabilitation/cleanup accomplished or contracted.
- Team has conducted or scheduled required debriefings.
- Obtain approval of Demobilization Plan from Police Chief.
- Distribute Demobilization Plan to processing points both on and off incident.
- Monitor implementation of Demobilization Plan.
- Assist in the coordination of the Demobilization.
- Provide briefing to relief on current activities and unusual events.
- Document all activity.
- Give completed incident files to the Police Chief for inclusion in the final incident package.

#### **203.7 LOGISTICS FUNCTION**

The Logistics Function includes the following:

##### **203.7.1 COMMUNICATIONS**

The Logistics Function - Service Branch - Communications Unit - will develop and plan all communications protocol and for communications equipment. Unit activities include installing and testing communications equipment, distributing communications equipment to responders, and arranging for repair and maintenance of communications equipment. Primary assistance for this task can be had from the Hamilton County Communications Center. When that resource is not available or the task is beyond their capability, communications resources should be requested through the Hamilton County Emergency Management Agency.

##### **203.7.2 TRANSPORTATION**

The Logistics Function - Service Branch - Transportation Unit - provides on-scene transportation services for incident responders only. Primary assistance for this task maybe had from the Hamilton County Emergency Management Agency.

##### **203.7.3 MEDICAL SUPPORT**

The Logistics Function – Service Branch - Medical Unit - provides on-scene medical services for incident responders only. Primary assistance for this task may be had from the Mount Healthy Fire & EMS Department. When that resource is not available or the task is beyond their capability, medical support resources should be requested through the Hamilton County Emergency Management Agency.

##### **203.7.4 SUPPLIES**

The Logistics Function – Service Branch - Supply Unit - requests personnel, equipment, and supplies to support on-scene incident operations. Unit activities also include receiving and storing incident supplies, maintaining a supply inventory, and servicing supplies and equipment. Primary

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assistance for this task may be had from the Mount Healthy Administration offices. When that resource is not available or the task is beyond their capability, supply resources should be requested through the Hamilton County Emergency Management Agency.

#### 203.7.5 SPECIALIZED TEAM AND EQUIPMENT NEEDS

The Logistics Function – Service Branch – Specialized Teams and Equipment Unit - requests specialized teams and equipment will be made by mutual aid request through the Hamilton County Communications Center. When mutual aid agreements do not exist for the resource needed, requests will be made through the Hamilton County Emergency Management Agency.

### **203.8 FINANCE/ADMINISTRATION FUNCTION**

The Finance/Administration Function includes the following:

#### 203.8.1 RECORDING PERSONNEL TIME

The Time Unit - ensures preparation of daily personnel time recording documents and compliance with the agency's time policy. Unit activities also include confirmation of equipment time reporting in the Ground Support Unit of the Logistics Section.

#### 203.8.2 PROCURING ADDITIONAL RESOURCES

The Procurement Unit - administers all financial matters relating to vendor contracts (e.g., equipment rental).

#### 203.8.3 RECORDING EXPENSES

The Cost Unit - collects all cost data, performs cost-effectiveness analyses, and provides cost estimates and recommendations for reducing incident costs.

#### 203.8.4 DOCUMENTING INJURIES AND LIABILITY ISSUES

The Compensation/Claims Unit - ensures completion of all forms required by worker's compensation agencies and local agencies and maintains files of all injuries and illnesses associated with the incident. Claims Unit investigates all claims (e.g., tort claims against responders) involving property associated or involved in the incident.

#### 203.8.5 PREPARING APPROPRIATE REIMBURSEMENT DOCUMENTS

The Finance/ Administration function is responsible for maintaining information and records related to the event. This function is responsible for preparing appropriate reimbursement documents.

### **203.9 ALL HAZARDS PLAN TRAINING**

The Department provides for documented annual training on the All Hazard Plan for all affected personnel. Training may include but is not limited to the Incident Command System, table top, functional or full-scale exercises, multiple agency involvement, and may also be in conjunction with specific plans required in other directives in Chapter 46. [CALEA 46.1.9A].

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The Department provides for documented biennial training consisting of a tabletop or full-scale exercise to assess the agencies capabilities with the All Hazards Plan and the Incident Command System [CALEA 46.1.9B]

#### **203.10 ACTIVE THREATS**

##### **203.10.1 PUBLIC NOTIFICATIONS FOR FOR AWARENESS AND SAFETY**

Situations involving active threats are serious in nature and can occur in any environment such as educational campuses, malls, businesses, special events and so forth. For public notifications for awareness and safety the PIO will be utilized.

The incident PIO should be informed of the evacuation plan so that the media is aware of the areas to be evacuated and shelter sites and any evacuation instructions to the public. The PIO should make every effort to assemble the media at the scene to keep them away from hazards and out of the evacuation area. Residents may receive information from the media during the evacuation, so it is critical that the media information be accurate.

- Establish a PIO
- Utilize a single phone number that should be released to the public for information.
- Notify the news media and provide status reports and updates as necessary.
- Provide the media with consistent and accurate evacuation instructions as provided IC.
- Utilize the media and coordinate evacuation notices through news media and or social media.

##### **203.10.2 NOTIFICATION OF ADDITIONAL PUBLIC SAFETY DEPARTMENTS AND OTHER RESOURCES**

Notification of additional public safety departments and other resources will be the responsibility of the on-duty supervisor and will continually be reevaluated as additional resources and the incident command post is established.

##### **203.10.3 RESPONSE TO THREATS WHEN LIVES ARE IN IMMINENT DANGER**

When responding to threats when lives are in imminent danger, officers will protect and serve all citizens while at the same time respecting the rights of suspects and balancing the need for officer safety in use of force events.

It is the policy of this agency that officers will use only reasonable force to bring an incident or event under control. Reasonable force is only that force which is necessary to accomplish lawful objectives. All uses of force must be objectively reasonable.

The type and degree of force or weapons used will be based on the totality of the circumstances and a reasonable belief of the need for such use of force in order to accomplish a lawful objective. When deadly force is justified, it shall be considered a last resort and be employed for effect and not for warning.

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##### 203.10.4 PUBLIC SHELTERING AND CONTAINMENT OF THE INCIDENT

Public sheltering and containment of the incident will be the responsibility of the Operations Section as a part of the overall incident command system as noted in directive 46.1.4.

##### 203.10.5 DOCUMENTED ANNUAL REVIEW OF POLICY AND TRAINING NEEDS

A documented annual review of this directive, related policies, procedures and training needs, will be conducted annually.

#### **203.11 ACTIVATING THE EMERGENCY MANAGEMENT PLAN**

The Emergency Management Plan can be activated in a number of ways. Within the Police Department, the Chief of Police, the highest ranking official on-duty or an on-scene responder may activate the Emergency Management Plan in response to a major emergency.

[See attachment: CGO28 Emergency Plan.pdf](#)

##### 203.11.1 RECALL OF PERSONNEL

In the event that the Emergency Management Plan is activated, all employees of the Mount Healthy Police Department are subject to immediate recall. Employees may also be subject to recall during extraordinary circumstances as deemed necessary by the Chief of Police or the authorized designee.

Failure to promptly respond to an order to report for duty may result in discipline.

#### **203.12 LOCATION OF MANUALS**

The Emergency Management Plan manual for employees is available in Administration, the Shift Supervisor's office. All supervisors should familiarize themselves with the Emergency Management Plan and what roles personnel will play when the plan is implemented.

#### **203.13 PLAN REVIEW**

The Chief of Police or designee shall review the Emergency Management Plan manual at least once every two years to ensure that the manual conforms to any revisions made by the National Incident Management System (NIMS) and appropriately address any revisions.

#### **203.14 PLAN TRAINING**

The Department shall provide training in the Emergency Management Plan for all supervisors and other appropriate personnel. All supervisors should familiarize themselves with the Emergency Management Plan and the roles police personnel will play when the plan is implemented.

## Training Policy

### 204.1 PURPOSE AND SCOPE

This policy establishes general guidelines for how training is to be identified, conducted, and documented. This policy is not meant to address all specific training endeavors or identify every required training topic.

#### 204.1.1 CERTIFICATION STANDARDS

This policy contains content that pertains to the following Ohio Collaborative Law Enforcement Agency Certification (OCLEAC) Standard: 12.2016.4

[See attachment: OCLEAC Standards Compliance Checklist Updated 2017.pdf](#)

### 204.2 POLICY

The Department shall administer a training program that will meet the standards of federal, state, local, and the Ohio Peace Officer Training Academy training requirements. It is a priority of this department to provide continuing education and training for the professional growth and development of its members.

### 204.3 OBJECTIVES

The objectives of the training program are to:

- (a) Enhance the level of law enforcement service to the public.
- (b) Increase the technical expertise and overall effectiveness of Department personnel.
- (c) Provide for continued professional development of Department personnel.
- (d) Assist in compliance with statutory requirements.

### 204.4 TRAINING PLAN

It is the responsibility of the Police Chief to develop, review, update and maintain a training plan and to ensure that mandated basic, in-service and Department required training is completed by all employees. The plan shall include a systematic and detailed method for recording and logging of all training for all personnel. While updates and revisions may be made to any portion of the training plan at any time it is deemed necessary, the Police Chief shall review the entire training plan on an annual basis. The plan will include information on curriculum, training material, training facilities, course and student scheduling. The plan will address the state-required minimum mandated training of sworn officers or hiring of civilian employees.

Training listed may be provided in basic training programs. The Police Chief is responsible for ensuring members of the Department have been trained as required.

#### 204.4.1 ANNUAL IN-SERVICE TRAINING

All sworn personnel to complete an annual in-service training program consistent with the position held and functions performed, including legal updates.



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In-Service training programs are designed to ensure that employees continue training that may enhance law enforcement and career development. In-Service training will be ongoing throughout the year. It may be accomplished by formal in-service classroom training, outside training programs, roll call training, online training, self-study training or training bulletins/updates.

Annual training may include instruction on technological improvements, revision in agency directives, policies & procedures, ethics and integrity or any other topic designed to increase professionalism withing the department.

Annual training will include the following:

- Continuing Professional Training Requirements set by the State of Ohio:
  - Directive 33.5 In-Service, Roll Call & Advanced Training.
- Lexipol Daily Training Bulletins
- Legal Update.
- Use of Force Policies.
- Lethal Weapons/Firearms Qualifications & Proficiency.
- Electronic Weapons Proficiency
- Bias Based Profiling
- All Hazard Training (affected agency personnel).
- Active Threat Training.

Biennial training will include the following:

- Ethics Training
- Less Lethal Weapon Proficiency.

Triennial training will include the following:

- Dealing with the Mentally Ill

#### 204.4.2 GOVERNMENT-MANDATED TRAINING

The following lists, while not all inclusive, identify training that is required under state and federal laws and regulations. Additional required training may be identified in individual policies.

(a) Federally mandated training:

1. National Incident Management System (NIMS) training

(b) State-mandated training:

1. Peace officer basic training program pursuant to OAC § 109:2-1-13 and OAC § 109:2-1-16, including training in:
  - (a) Handling of missing children, missing persons, and child abuse and neglect cases (ORC § 109.741).

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- (b) Crisis intervention (ORC § 109.742).
  - (c) Domestic violence-related cases and incidents (ORC § 109.744).
2. Continuing professional training, as directed by the Ohio Peace Officer Training Commission (ORC § 109.803).
3. Annual firearms requalification (ORC § 109.801).
4. Members who serve as school resource officers shall receive training for school resource officers as required by OAC § 3301-35-15 and in collaboration with the appropriate school district (OAC § 3301-35-15).
  - (a) Training shall include professional development for the implementation of positive behavior intervention, and crisis management and de-escalation techniques (OAC § 3301-35-15).

#### 204.4.3 ACCREDITATION PROCESS ORIENTATION

As a part of the new employee orientation process and within thirty (30) days of beginning their employment or completing Basic Law Enforcement Training, all newly hired personnel shall receive training regarding accreditation and the accreditation process. Familiarization includes:

- The history and background of accreditation.
- Mt. Healthy Police Department involvement in accreditation.
- The accreditation process.
- The goals and objectives of accreditation.
- The advantages of accreditation and its impact on the agency.

Just prior to an on-site assessment associated with each reaccreditation, all agency personnel shall receive information regarding the accreditation process.

To gain further insight into law enforcement accreditation, CALEA, and the accreditation process, other accreditation training may be provided to employees through:

- Periodic attendance to the State of Ohio Accreditation Resource Coalition (SOAR) meetings.
- With approval of the Chief of Police, attendance to the Commission on Accreditation for Law Enforcement Agencies conferences
- Temporary or light duty assignment to the Office of Accreditation

#### 204.4.4 TRAINING UPON PROMOTION

The Mount Healthy Police Department shall conduct skill development and job-related training, based on need, availability, and funding to newly promoted personnel. This training may be in-house or may include assignment to an outside training entity, educational institution or program.

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At a minimum, Sergeants shall receive training in First Line Supervision, or another base level supervisory course, once the course becomes available after promotion, based on availability and funding, at one (1) or more of the following:

- First Line Supervision Training approved by the Police Chief
- (STEP) Supervisor Training and Education Program
- (PELC) Police Executive Leadership Training

#### **204.5 TRAINING NEEDS ASSESSMENT**

The Chief of Police will annually appoint a Training Supervisor. The Training Supervisor will conduct an annual training needs assessment and complete a report of the training needs assessment, including recommendations from the Training Review Board. The report will be provided to the Chief of Police, the staff, and the Training Supervisor. Upon review and approval by the Chief of Police, the needs assessment will form the basis for the training plan for the following fiscal year.

#### **204.6 TRAINING REVIEW BOARD**

The Police Chief shall establish a Training Review Board, which will serve to assist with identifying training needs for the Department.

The Training Review Board should review certain incidents to determine whether training would likely improve future outcomes or reduce or prevent the recurrence of the undesirable issues related to the incident. Specific incidents the Training Review Board should review include, but are not limited to:

- (a) Any incident involving the death or serious injury of an employee.
- (b) Incidents involving a high risk of death, serious injury or civil liability.
- (c) Incidents identified by a supervisor as appropriate to review to identify possible training needs.

The Training Review Board shall convene on a regular basis as determined by the Chief of Police or designee to review the identified incidents. The board shall determine by consensus whether a training need exists and then submit written recommendations of its findings to the Police Chief. The recommendation should not identify specific facts of any incidents, such as identities of employees involved or the date, time and location of the incident, but should focus on the type of training being recommended.

The Chief of Police or designee will consider the recommendations of the board and determine what training should be addressed, taking into consideration the mission of the Department and available resources.

##### **204.6.1 TRAINING ADVISORY BOARD GUIDELINES**

- (a) Composition of the Training Advisory Board:

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1. Three community members
  2. Two Mt. Healthy Police Sergeants
  3. The Chief of Police
- (b) Appointment to the Training Advisory Board:
1. The board members will be chosen and appointed by the Chief of Police Police Chief.
  2. Any board member may be removed from the board at the discretion of the Chief of Police.
- (c) Authority and responsibilities of the Training Advisory Board include:
1. Assisting in developing and evaluating Department training needs.
  2. Serving as a point of contact for input from personnel and interested members of the community.
  3. Advising on the need to study and identify specific training needs.
  4. Advising on the determination of the types, frequency and location of courses to be offered.
  5. Advising on the establishment of prerequisites, minimum and maximum class size, attendance and retention of students.
- (d) Meetings of the Training Advisory Board:
1. The board will meet at least annually (more frequent meetings may be called at the direction of the Chief of Police).
  2. The Police Chief is responsible for notifying members of meeting times and locations.
- (e) Training Advisory Board meeting records:
1. Minutes of the board meetings are recorded and maintained by the Training Supervisor.
  2. A copy of the minutes will be forwarded to the Chief of Police and to each board member.
  3. Minutes will be maintained on file in compliance with the current Records Retention Schedule.

#### **204.7 TRAINING ATTENDANCE**

- (a) All members assigned to attend training shall attend as scheduled unless previously excused by their immediate supervisor. Excused absences should be limited to:
1. Court appearances.

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2. Previously approved vacation or time off.
  3. Illness or medical leave.
  4. Physical limitations preventing the member's participation.
  5. Emergency situations or department necessity.
- (b) Any member who is unable to attend training as scheduled shall notify the member's supervisor as soon as practicable but no later than one hour prior to the start of training and shall:
1. Document the member's absence in a memorandum to the member's supervisor.
  2. Make arrangements through the member's supervisor or the Police Chief to attend the required training on an alternate date.

#### **204.8 DAILY TRAINING BULLETINS**

The Lexipol Daily Training Bulletins (DTBs) are a web-accessed system that provides training on the Mount Healthy Police Department Policy Manual and other important topics. Generally, one training bulletin is available for each day of the month. However, the number of DTBs may be adjusted by the Police Chief.

Members assigned to participate in DTBs shall only use the login credentials assigned to them by the Police Chief. Members should not share their password with others and should frequently change their password to protect the security of the system. After each session, members should log off the system to prevent unauthorized access. The content of the DTBs is copyrighted material and shall not be shared with others outside of the Department.

Members who are assigned to participate in the DTB program should complete each DTB at the beginning of their shifts or as otherwise directed by their supervisor. Members should not allow uncompleted DTBs to build up over time, and may be required to complete DTBs missed during extended absences (e.g., vacation, medical leave) upon returning to duty. Although the DTB system can be accessed from any internet-enabled computer, members shall only take DTBs as part of their on-duty assignments, unless directed otherwise by a supervisor.

Supervisors will be responsible for monitoring the progress of those under their command to ensure compliance with this policy.

#### **204.9 TRAINING RECORDS**

The Police Chief is responsible for the creation, filing and storage of all training records. Training records shall be retained in compliance with the current Records Retention Schedule by the Personnel Records Clerk.

#### **204.10 POLICE CHIEF**

The Chief of Police shall designate a Police Chief who is responsible for developing, reviewing, updating, and maintaining the department training plan so that required training is completed. The Police Chief should review the training plan annually.

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#### **204.11 TRAINING COMMITTEE**

The Police Chief may establish a Training Committee, on a temporary or as-needed basis, which will assist with identifying training needs.

The Training Committee should be comprised of at least three members, with the senior ranking member of the committee acting as the chairperson. Committee members should be selected based on their abilities at post-incident evaluation and at assessing related training needs. The Police Chief may remove or replace members of the committee at the Police Chief's discretion.

The Training Committee should review certain incidents to determine whether training would likely improve future outcomes or reduce or prevent the recurrence of the undesirable issues related to an incident. Specific incidents the Training Committee should review include but are not limited to:

- (a) Any incident involving the death or serious injury of a member.
- (b) Incidents involving a high risk of death, serious injury, or civil liability.
- (c) Incidents identified by the Department to determine possible training needs.

The Training Committee should convene on a regular basis, as determined by the Police Chief, to review the identified incidents. The committee shall determine by consensus whether a training need exists and then submit written recommendations of its findings to the Police Chief. The recommendation should not identify specific facts of any incidents, such as identities of members involved or the date, time, and location of the incident, but should focus on the type of training being recommended.

The Police Chief will consider the recommendations of the committee and determine what training should be addressed, taking into consideration the mission of the Department and the available resources. Training recommendations as determined by the Police Chief shall be submitted to the command staff for review.

## Electronic Mail

### 205.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for the proper use and application of the electronic mail (e-mail) system provided by the Department. E-mail is a communication tool available to employees to enhance efficiency in the performance of job duties. It is to be used in accordance with generally accepted business practices and current law (e.g., Ohio Open Records Law). Messages transmitted over the e-mail system must only be those that involve official business activities or that contain information essential to employees for the accomplishment of business-related tasks and/or communications directly related to the business, administration or practices of the Department.

### 205.2 E-MAIL RIGHT OF PRIVACY

All e-mail messages, including attachments, transmitted over the Department networks or through a web browser accessing the Department system are considered Department records and therefore are the property of the Department. The Department reserves the right to access, audit and disclose for any lawful reason, all messages, including attachments, transmitted or received through its e-mail system or placed into its storage.

Employees should not use personal accounts to exchange e-mail or other information that is related to the official business of the Department.

### 205.3 PROHIBITED USE OF E-MAIL

Sending derogatory, defamatory, obscene, disrespectful, sexually suggestive, harassing or any other inappropriate messages on the e-mail system is prohibited and may result in discipline.

E-mail messages addressed to the entire department are only to be used for official business-related items that are of particular interest to all users. All e-mail is subject to review and scrutiny with regard to appropriate content or violation of any prohibitions. In the event that a user has questions about sending a particular e-mail communication, the user should seek prior approval from the Chief of Police or designee. Personal advertisements or announcements are not permitted.

It is a violation of this policy to transmit a message under another user's name or e-mail address or to use the password of another to log into the system. Users are required to log off the network or secure the workstation when the computer is unattended. This added security measure would minimize the misuse of an individual's e-mail, name and/or password.

### 205.4 MANAGEMENT OF E-MAIL

Because the end user e-mail system is not designed for, nor does it support, long-term retention and archiving of messages, e-mail that an employee desires to save or that requires retention because it has significant administrative, fiscal, legal or historical value should be printed and/or stored in another database designed for long-term storage and retrieval.

Users of e-mail are solely responsible for the management of their mailboxes.

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Email may only be deleted in accordance with the current Records Retention Schedule.



## **Administrative Communications**

### **206.1 PURPOSE AND SCOPE**

Administrative communications of this department are governed by the following policies.

### **206.2 DEPARTMENT E-MAILS**

Department E-mails may be issued periodically by the Chief of Police or designee, to announce and document all promotions, transfers, hiring of new personnel, separations, individual and group awards and commendations or other changes in status.

### **206.3 CORRESPONDENCE**

To ensure that the letterhead and name of the Department are not misused, all official external correspondence shall be on Department letterhead. All Department letterhead shall bear the signature element of the Chief of Police. Official correspondence and use of letterhead requires approval of a supervisor. Department letterhead may not be used for personal use or purposes.

Internal correspondence should use appropriate memorandum forms. These may be from line employee to employee, supervisor to employee or any combination of employees.

### **206.4 SURVEYS**

All surveys made in the name of the Department shall be authorized by the Chief of Police or designee or a Sergeant.

### **206.5 OTHER COMMUNICATIONS**

Departmental Directives and other communications necessary to ensure the effective operation of the Department shall be issued by the Chief of Police or designee or Sergeants.

## Supervision Staffing Levels

### 207.1 PURPOSE AND SCOPE

The purpose of this policy is to ensure that proper supervision is available for all shifts. The Department intends to balance the employee's needs against its need and inherent managerial right to have flexibility and discretion in using personnel to meet operational needs. While balance is desirable, the paramount concern is the need to meet the operational requirements of the Department.

### 207.2 MINIMUM STAFFING LEVELS

Minimum staffing levels should result in scheduling at least one regular supervisor on-duty whenever possible. It is the responsibility of the Shift Supervisor to appoint an Officer In Charge in those cases when a supervisor secures and not relieved by an on-duty supervisor.

#### 207.2.1 SUPERVISION DEPLOYMENTS

In order to accommodate training and other unforeseen circumstances, an officer may be used as a field supervisor in place of a field sergeant.

With prior authorization from the Police Chief or Patrol Sergeant, an officer may act as the Shift Supervisor for a limited period of time in accordance with the terms of applicable collective bargaining agreements.

## Concealed Handgun License

### 208.1 PURPOSE AND SCOPE

A Sheriff is given the statutory authority to issue a license to carry a concealed handgun to residents within the community. This policy will provide a written process for the application, issuance and revocation of such permits (ORC § 2923.125).

### 208.2 TEMPORARY EMERGENCY LICENSE

The Sheriff shall issue a temporary emergency license to carry a concealed handgun to a person if there is evidence of imminent danger to the person or the person's family pursuant to ORC § 2923.1213. This department shall accept evidence of imminent danger at any time during normal business hours and shall not require an appointment or designate a specific period of time for the submission of the evidence.

Upon submission of the required documentation, the Sheriff or designee shall immediately review and evaluate an application for a temporary emergency handgun license. A person seeking a temporary emergency license to carry a concealed handgun shall not be required to submit a competency certificate (ORC § 2923.1213(D)).

A temporary emergency license shall be issued if the applicant meets the criteria to carry a concealed weapon pursuant to ORC § 2923.1213(B)(2). If the Sheriff denies the issuance of a temporary emergency license to the person, the Sheriff shall specify the grounds for the denial in a written notice to the person. The person may appeal the denial, or challenge criminal records check results that were the basis of the denial.

A temporary emergency license issued is valid for 90 days and may not be renewed. A person who has been issued a temporary emergency license shall not be issued another temporary emergency license unless at least four years has expired since the issuance of the prior license (ORC § 2923.1213(B)(2)). The Police Clerk shall retain proof of the evidence of imminent danger that the person submitted for the entire period during which the temporary emergency license is in effect (ORC § 2923.1213(E)).

A person who holds a temporary emergency license to carry a concealed handgun has the same right to carry a concealed handgun as a person who was issued a regular license to carry a concealed handgun (ORC § 2923.1213(C)).

### 208.3 SUSPENDING LICENSE

Upon notification submitted by a court or law enforcement agency of this or any other state, the United States or a territory or possession of the United States, the Sheriff shall suspend the license of a licensee who has become subject to a protection order or has been charged or convicted with a crime that would require the revocation of a license (ORC § 2923.128(A)). The Sheriff or designee shall notify the licensee, by certified mail, return receipt requested, at the licensee's last known residence address that the license has been suspended and that the licensee is required

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to surrender the license within 10 days (ORC § 2923.128(A)(3)). If a licensee is acquitted of the charges against him/her, or if the charges are dropped, the Sheriff shall restore the license.

#### **208.4 CARRYING CONCEALED HANDGUNS IN RESTRICTED AREAS**

Concealed handgun licensees are prohibited or limited from carrying concealed handguns at specified locations. Examples of these locations include (ORC § 2923.126(B)):

- (a) Law enforcement and detention facilities.
- (b) Department of Mental Health or the Department of Developmental Disabilities facilities.
- (c) Airports or public agencies with restricted security access.
- (d) A school safety zone (ORC § 2923.122).
- (e) Courthouses (ORC § 2923.123).
- (f) Any premises or open-air arena in which any person is consuming liquor (ORC § 2923.121).
- (g) Colleges, universities or other institution of higher education.
- (h) Places of worship.
- (i) Any state or local government building that is not used primarily as a shelter, restroom, parking facility or a rest facility.
- (j) Any place in which federal law prohibits the carrying of handguns.
- (k) Properly posted lands or premises.

#### **208.5 RECOGNITION OF PERMITS FROM OTHER STATES**

A person who possesses a license to carry a concealed handgun that was issued by another state, with which the attorney general has entered into a reciprocity agreement, has lawful authority to carry a handgun in Ohio (ORC § 109.69). Additional exceptions may apply in instances where the attorney general has not entered into a reciprocity agreement with the issuing state or when the person is temporarily in the state of Ohio (ORC § 109.69).

The permit issued by the other state does not supersede Ohio laws or regulations. If the permit holder becomes or is prohibited from possession of a handgun under Ohio law, the permit from another state is not valid to carry a handgun in Ohio.

## Retiree Concealed Firearms

### 209.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the issuance, denial, suspension or revocation of Mount Healthy Police Department identification cards under the Law Enforcement Officers' Safety Act (LEOSA) and Ohio law (18 USC § 926C; ORC § 2923.126).

### 209.2 POLICY

It is the policy of the Mount Healthy Police Department to provide identification cards to qualified former or retired officers to facilitate the lawful carrying of concealed weapons by those individuals.

### 209.3 LEOSA

The Chief of Police may issue an identification card for LEOSA purposes to any qualified former officer of this department who (18 USC § 926C(c)):

- (a) Separated from service in good standing from this department as an officer.
- (b) Before such separation, had regular employment as an officer for an aggregate of 10 years or more or, if employed as an officer for less than 10 years, separated from service after completing any applicable probationary period due to a service-connected disability as determined by this department.
- (c) Has not been disqualified for reasons related to mental health.
- (d) Has not entered into an agreement with this department where the officer acknowledges that he/she is not qualified to receive a firearm qualification certificate for reasons related to mental health.
- (e) Is not prohibited by federal law from receiving or possessing a firearm.

#### 209.3.1 LEOSA IDENTIFICATION CARD FORMAT

The LEOSA identification card should contain a photograph of the former officer and identify him/her as having been employed as an officer.

If the Mount Healthy Police Department qualifies the former officer, the LEOSA identification card or separate certification should indicate the date the former officer was tested or otherwise found by the Department to meet the active-duty standards for qualification to carry a firearm.

#### 209.3.2 AUTHORIZATION

Any qualified former peace officer, including a former officer of this department, may carry a concealed firearm under 18 USC § 926C when he/she is:

- (a) In possession of photographic identification that identifies him/her as having been employed as a peace officer, and one of the following:
  1. An indication from the person's former law enforcement agency that he/she has, within the past year, been tested or otherwise found by the law enforcement agency to meet agency-established active-duty standards for qualification in firearms training to carry a firearm of the same type as the concealed firearm.

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2. A certification, issued by either the state in which the person resides or by a certified firearms instructor who is qualified to conduct a firearms qualification test for active duty peace officers within that state, indicating that the person has, within the past year, been tested or otherwise found to meet the standards established by the state or, if not applicable, the standards of any agency in that state.
  - (b) Not under the influence of alcohol or another intoxicating or hallucinatory drug or substance.
  - (c) Not prohibited by federal law from receiving a firearm.
  - (d) Not in a location prohibited by Ohio law or by a private person or entity on his/her property if such prohibition is permitted by Ohio law.

#### **209.4 OHIO IDENTIFICATION CARD ISSUANCE**

The Chief of Police shall issue an identification card to any qualified former officer of this department who (ORC § 2923.126(F)):

- (a) Before retiring, worked for an aggregate of 15 years or more as an officer or retired for a service-connected disability as an officer after completing probation.
- (b) Retired in good standing and not for reasons of mental instability.
- (c) Meets all other standards established by the Chief of Police for issuance of an identification card.

##### **209.4.1 OHIO IDENTIFICATION CARD FORMAT**

Identification cards issued to officers due to the above mandate (15 years of service/disability retirement) shall comply with the content requirements of ORC § 2923.126.

##### **209.4.2 AUTHORIZATION**

A retired officer may carry a concealed firearm in this state when he/she is in possession of a valid identification card issued under this policy and one of the following (ORC § 2923.126):

- (a) A certification on the card that the retired officer has, within the past five years, successfully completed a firearms requalification program approved under ORC § 109.801.
- (b) A firearms requalification certification from a program approved under ORC § 109.801 that identifies the retired officer by name, identifies the entity that taught the program, specifies that the retired officer successfully completed the program, specifies the date on which the course was successfully completed and specifies that the requalification is valid for five years from that date of successful completion.

#### **209.5 FORMER OFFICER RESPONSIBILITIES**

A former officer with a card issued under this policy shall immediately notify the Shift Supervisor of his/her arrest or conviction in any jurisdiction, or that he/she is the subject of a court order, in accordance with the Reporting of Employee Convictions Policy.

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##### 209.5.1 RESPONSIBILITIES UNDER LEOSA

In order to obtain or retain a LEOSA identification card, the former officer shall:

- (a) Sign a waiver of liability of the Department for all acts taken related to carrying a concealed firearm, acknowledging both his/her personal responsibility as a private person for all acts taken when carrying a concealed firearm as permitted by LEOSA and also that these acts were not taken as an employee or former employee of the Department.
- (b) Remain subject to all applicable department policies and federal, state and local laws.
- (c) Demonstrate good judgment and character commensurate with carrying a loaded and concealed firearm.
- (d) Successfully pass an annual criminal history background check indicating that he/she is not prohibited by law from receiving or possessing a firearm. Officers are required to provide a certified copy of the background check to the Police Chief by February 1 of each year.

##### 209.5.2 RESPONSIBILITIES UNDER OHIO LAW

A retired officer who possesses an Ohio identification card issued by this department and a valid requalification certification has the same right to carry a concealed handgun as a person issued a concealed handgun license under ORC § 2923.125 and is subject to the same restrictions (ORC § 2923.126).

##### **209.6 DENIAL, SUSPENSION OR REVOCATION-DISCRETIONARY ISSUE**

A LEOSA identification card may be denied or revoked upon a showing of good cause as determined by the Department. In the event that an identification card is denied, suspended or revoked, the former officer may request a review by the Chief of Police. The decision of the Chief of Police is final.

##### **209.7 FIREARM QUALIFICATIONS**

The Rangemaster may provide former officers from this department an opportunity to qualify. Written evidence of the qualification and the weapons used will be provided and will contain the date of the qualification. The Rangemaster will maintain a record of the qualifications and weapons used.

If provided, the firearms qualification should comply with ORC § 109.801. The retired peace officer may be required to pay the cost of the course (ORC § 2923.126).

## **SPECIAL EVENTS PLANNING**

### **210.1 PURPOSE**

The purpose of this policy is to establish procedures for the coordination, direction, and control of special events taking place in the City of Mount Healthy

### **210.2 POLICY**

Special events are those activities (i.e. parades, athletic contests, public demonstrations, etc.) which result in the need for the control of traffic crowds and/or crimes. The station commander in the district in which a special event is taking place will be responsible for the planning and control of that event and will consider the following in his/her plans. He/she will coordinate any needed support from SWAT, Traffic, Aviation or other specialty unit as necessary. The Major, Bureau of Law Enforcement may assign a commander for specific special events based on the scope of the event and geographical considerations. [CALEA 46.2.7]

### **210.3 PROCEDURE**

The following procedure will be used when coordinating special events:

#### **210.3.1 OVERALL SITUATION**

- (a) Type of event
- (b) Activity and location
  - 1. Estimates of crowds, activity, traffic, etc.
  - 2. Locations which will be impacted by the event
- (c) History
  - 1. Past events of similar nature
  - 2. Problems
  - 3. Participating groups
- (d) Authority: any relevant statutory information which will potentially be utilized by operational personnel
- (e) Intelligence: any known corroborated facts which may provide information on potential criminal activity that may occur
  - 1. Non-corroborated intelligence will be considered but not utilized as a basis for operational planning
  - 2. Weather information
  - 3. Liaison with information sources from other agencies
- (f) Participants: law enforcement personnel, civilian groups, volunteers, etc.
  - 1. Specify the identity, location and activity of participants in the event by preparing a concise plan setting forth a detailed identity, exact location during the event and relationship to any overlap plan.



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#### *SPECIAL EVENTS PLANNING*

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2. Prepare a means of special identification of participants. (i.e. gloves, vests, flags, baseball caps, arm bands, lapel pins, florescent belts, or any other means of special identification)
- (g) Attachments or detachments: any group or individual(s) that may be added or deleted from the operational plans
- (h) Support available for operation: any unit(s) or individual(s) designated as a back-up unit
- (i) Identity, location and activity of any agency or individual not involved in the event but whose duties may require their presence in and around the operation area
  1. Plan for persons not included in the event but who may be in the area due to everyday activities or due to the special event itself
  2. Prepare a statement setting forth any unit(s) or individual not actively involved in the event but who may need to be advised of the event

#### 210.3.2 MISSION

Prepare a brief statement of the task to be performed and the objectives to be achieved to include who, what, when, where, how and why

#### 210.3.3 EXECUTION

Prepare a statement setting forth the general plan to be used to accomplish the mission.

#### 210.3.4 SPECIFIC DUTIES

- (a) Prepare a concise statement specifically setting forth the manner by which each unit will accomplish its designated tasks with particular attention being given to detail.
- (b) Prepare a concise statement specifically setting forth the manner by which each individual in the designated units will accomplish his/her assigned task with particular attention given to detail

#### 210.3.5 ADMINISTRATION AND LOGISTICS: WEAPONS

- (a) consider weapons required for task accomplishment
- (b) extra ammunition
- (c) use of chemical agents

#### 210.3.6 CLOTHING AND EQUIPMENT

- (a) Consider those items of uniform clothing and equipment that may be required to accomplish a specific task, such as:
  1. traffic reflective vest
  2. protective vest
  3. gloves
  4. hat

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5. rain gear
6. flex cuffs
7. gas masks
- (b) Special Equipment
  1. lighting
  2. equipment
  3. binoculars
- (c) Transportation: consider vehicles and other transportation assignment and/or requirements.
- (d) Meals/Breaks/Relief: consider setting forth times and, if required, places for personnel to eat or be relieved for breaks along with who will be the relief person.
- (e) Command and Signal
  1. Command
    - (a) Command Post: prepare a statement setting forth the name, title and responsibility of the individual(s) in command of the event to include the location and means of contact.
    - (b) Sub-unit Leader(s): prepare a statement describing the name, title and responsibility of the individual(s) in command of sub-units of the event to include the locations and means of contact.
    - (c) Command personnel will ensure unity of command and communication liaison during inter-agency events.
  2. Signal Radios
    - (a) Type
    - (b) Channels/frequencies
    - (c) Reporting time and procedures including a statement setting forth the exact times and methods to be used in reporting progress/problems of the event
    - (d) Call sign of unit(s) and personnel
    - (e) Radio discipline

#### 210.3.7 COORDINATING INSTRUCTIONS

- (a) Coordinating Instructions
  1. Time schedule of date and time of special phases of the event.
    - (a) Pre-event check on mobilization point prior to the event (Briefing).
    - (b) Departure: the time designated as post time or to begin movement to the event

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- (c) Rendezvous: the time designated for involved units to effect required link-ups
  - (d) Execution: the designated time for task accomplishment
  - (e) Specific tasks: the designated time for accomplishment of operational phases of the event
  - (f) Other: any time plan not covered
  - (g) Return: the time to complete the assignment or return to the debriefing area to be released from assignment
2. Order of Movement: sequence of unit movement during the event
  3. Intra-office, Inter-agency Coordination: Coordination within command agency and others such as:
    - (a) Traffic engineering
    - (b) Other law enforcement agencies
    - (c) Civil defense
  4. Routes to follow: designated travel routes to and from the event.
  5. Area Isolation: keeping non-involved people away and routing traffic around the event area.
  6. Danger Area: any places impaired by or within the event area where danger exists or where special equipment and/or additional personnel may be needed.
  7. Rendezvous Locations: designated rendezvous points for all units and personnel.
    - (a) Intersections/cross streets
    - (b) Barricaded locations
    - (c) Hazardous material sites
    - (d) Volatile crowds
    - (e) Event crossing points
    - (f) Adverse impact areas
  8. Rehearsals and Inspections: a dry run to test plan feasibility, mission objective and fitness of the equipment for the task will be the responsibility of the specific event commander. This will include before photographs of all equipment rented and/or borrowed
  9. Post-event Procedures
    - (a) Equipment removal and inspection to include photographs of all equipment rented and/or borrowed.
    - (b) Replace used and disposable items
    - (c) Account for all personnel

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- (d) Turn in equipment
- 10. Debriefing: meeting of all involved units to critique conduct and success/failure for future referral.

### 210.3.8 AFTER ACTION REPORT

A report indicating any problems or suggestions for future events, if any, shall be completed by the Officer-in-Charge of the event and will be forwarded to the Chief of Police for review.

# CONTRACTUAL AGREEMENTS FOR LAW ENFORCEMENT SERVICES

## 211.1 WRITTEN AGREEMENTS GOVERNING CONTRACTUAL LAW ENFORCEMENT SERVICES

- (a) A written agreement will govern the provision of contracted law enforcement services by the department.
- (b) Any contract entered into by the department for the provision of law enforcement services will contain:
  1. A statement of the specific services to be provided (3.1.1 (a))
  2. Specific language dealing with the financial agreement between parties to include at a minimum: (3.1.1 (b))
    - (a) Salaries
    - (b) Fringe Benefits
    - (c) Support Services
    - (d) Workers' Compensation Coverage
    - (e) Legal Liability

### Interagency Relations

- Specification of the records to be maintained by the department concerning the performance of services by the department (3.1.1 (c))
- Language dealing with the duration, modification, and termination of the contract (3.1.1 (d))
- Specific language dealing with legal contingencies (3.1.1 (e))
- The stipulation that the department will maintain control over its personnel (3.1.1(f))
- Language specifying arrangement for the use of equipment and facilities (3.1.1 (g))
- The Chief of Police or his/her designee will review the written agreement at least annually, or as specified in the agreement when necessary to provide for the appropriate and legal discharge of contracted services between the department and an outside agency, such written contract will be reviewed by the City Attorney to ensure it complies with all applicable legal standards (3.1.1 (h))

## **Chapter 3 - General Operations**

## Use of Force

### 300.1 PURPOSE AND SCOPE

This policy provides guidelines on the reasonable use of force. While there is no way to specify the exact amount or type of reasonable force to be applied in any situation, every member of this department is expected to use these guidelines to make such decisions in a professional, impartial, and reasonable manner.

In addition to those methods, techniques, and tools set forth below, the guidelines for the reasonable application of force contained in this policy shall apply to all policies addressing the potential use of force, including but not limited to the Control Devices and Techniques and Conducted Energy Device policies. This policy is in adherence to all applicable federal, state, and local laws

#### 300.1.1 DEFINITIONS

Definitions related to this policy include:

**Actively Resisting Arrest** – When the subject is making physically evasive movements to defeat the officer's attempt at control, including fleeing, bracing, tensing, pushing, or verbally signaling an intention to avoid or prevent being taken into or retained in custody.

**Brachial Nerve** – Part of the central nervous system which is located along the inner arms, extending from the armpit to the elbow.

**Carotid Artery** – A collection of nerves continues along the carotid artery located on the side of the neck and extends from the lower jaw bone to the collar bone.

**Choke Holds** – The courts could consider a choke hold or other similar type holds as deadly force. Choke holds of any kind are prohibited. The use of any type choke hold to prevent the swallowing of evidence is also prohibited.

**Common Peroneal Nerve** – Part of the central nervous system which is located along the outer legs, extending from the knee to the ankle.

**Crowd Management** – The observing, monitoring, and facilitating the activities of persons assembled.

**Crowd Control** – The use of police action to stop the activities of persons assembled.

**Deadly force** - Force reasonably anticipated and intended to create a substantial likelihood of causing death or very serious injury.

**Escorting** – The use of light pressure to guide a person or keep a person in place.

**Force** - Any physical strike, instrumental contact with a person, or any significant physical contact that restricts movement of a person. The term includes, but is not limited to, the use of firearms, Conducted Electrical Weapons (CEW), chemical irritant, choke holds or hard hands, the taking of

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a subject to the ground, or the deployment of a canine. The term does not include escorting or handcuffing a person with no or minimal resistance

**Hard Hands** – The use of physical pressure to force a person against an object or the ground, use of physical strength or skill that causes pain or leaves a mark, leverage displacement, joint manipulation, pain compliance, and pressure point control tactics.

**Law Enforcement Officer** - A state, local, or university or college employee or volunteer who is licensed under applicable state law or certified by an applicable POST commission.

**Objectively Reasonable** - The determination that the decision to use force, and the level of force used, is what a reasonable and prudent officer would use under the same or similar situations based upon the officer's evaluation of the situation, experience, training, and the totality of the circumstances known to or believed to exist by the officer at the time the force is used and is consistent with U.S. Supreme Court precedent.

**Original documents** – Photographs, DVR discs or video files, and any documents that are handwritten or contain an original signature.

**Reasonable Belief** - The facts or circumstances the officer knows, or should know, are such as to cause an ordinary and prudent person to act or think in a similar way under similar circumstances.

**Serious Bodily Injury** - Injury that involves a substantial risk of death, protracted and obvious disfigurement, or extended loss or impairment of the function of a body part or organ.

**Serious Use of Force** – Any action that involves: a critical firearm discharge; the use of deadly force; a baton strike to the head; or a use of force in which the person is seriously injured or requires hospital admission, with the exception of individuals admitted for psychiatric evaluation not suffering a serious injury.

**Self-Defense** – The act of protecting oneself or another from physical harm or serious physical harm.

**Serious Injury/Serious Physical Harm to Persons** – Any of the following:

- Any physical harm that carries a substantial risk of death.
- Any physical harm that involves some permanent incapacity, whether partial or total, or that involves some temporary, substantial incapacity.
- Any physical harm that involves some permanent disfigurement or that involves some temporary, serious disfigurement.

**Training Protocols** - The method and manner by which law enforcement personnel are trained on preferred practices, legal, and constitutional requirements.

**Use of Force in Crowd Management and/or Control** – Officers will not initiate the use of force or chemical irritant against crowds or a group of individuals except when reasonable and necessary to protect the officer, the subject, or another party from a risk of death or physical harm; or is



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necessary to effect the arrest of an actively resisting subject; or to prevent the escape of that subject.

Officers encountering crowds will evaluate the situation and determine if there is a current or future need requiring crowd control or crowd management. Prior to police action, the officers will promptly summon a supervisor to the scene. If crowd control is or will be required, the supervisor will summon a command officer to the scene. Once on the scene, the command officer will direct all police action and authorize the use of weapons, tools, or tactics needed to resolve the situation. The approval of a supervisor is required any time chemical irritant is used against a crowd, absent exigent circumstances.

Use of force including the PepperBall launcher as well as the use of chemical irritant during periods of civil unrest or for crowd control is restricted. A command officer must be present and must authorize the deployment of these devices, absent exigent circumstances.

Command officers must give verbal notice prior to deploying these devices into a crowd unless it would present a danger to the officer or others to give such a warning.

Any deployment of the PepperBall launcher during crowd control requires:

- Specific targeting of a subject to be arrested or who represents an imminent risk of death or physical injury to the officer or others, except when using the PepperBall launcher as an area saturation tool.
- The officer must be reasonably sure the weapons will not strike other individuals in the crowd who pose no threat of violence.

If demonstrators or protesters are in a place they have a legal right to be and are conducting themselves in a non-violent and lawful manner, an officer cannot make their conduct criminal by ordering them to disperse and arresting them if they refuse.

**Warning Shot** - The intentional discharge of a firearm for the purpose of warning or seeking compliance from an individual, but not intended to cause physical injury.

#### 300.1.2 ADDITIONAL DEFINITIONS

##### **References:**

Graham vs. Conner, 490 US 386, 396 (1989)

Tennessee vs. Garner, 471 US 1 (1985)

##### **Information:**

**Vagal Nerve Stimulator (VNS):** This device sends pulses of very low current electricity to the brain to prevent seizures in epileptic persons. Officers with knowledge an individual has a VNS should avoid the use of the CEW as a force option.

**Chemical irritant:** Chemical irritant offers a non-lethal alternative for controlling, subduing, or apprehending a suspect(s) who is actively resisting arrest. Chemical irritant leaves an invisible ultraviolet, light-sensitive dye on an individual, which can aid in identification.

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The use of chemical irritant, including the use of chemical irritant against a crowd or a group of individuals is only permitted in those cases in which such force is necessary to protect the officer, the subject, or another party from physical harm; or is necessary to effect the arrest of an actively resisting subject; or prevent the escape of that subject.

Chemical irritant or the CEW is the primary response for self-defense, defense of another or gaining compliance from a person(s) actively resisting arrest. The use of chemical irritant or the CEW (in the drive stun mode) on an individual attempting to swallow evidence or contraband is only permitted when all of the following apply:

- There is a clear indication the object or substance in the subject's mouth is contraband and;
- There are exigent circumstances such as the imminent destruction of evidence or medical emergency and;
- The officer has issued verbal commands to spit out any contraband and the subject refuses to comply.

Personnel may only use chemical irritant when verbal commands and other techniques that do not require the use of force would be ineffective or where issuing verbal commands would present a danger to the officer or others. When possible, a verbal warning must be issued to the subject that chemical irritant will be used prior to the use of chemical irritant, unless exigent circumstances exist that would make it imprudent to do so. When possible, the officer will defer using chemical irritant for a reasonable time to allow the subject to comply with the warning. Chemical irritant should only be aimed at the subject's face and upper torso.

**Expandable Batons:** Expandable batons are impact tools that offer a less lethal method for self-defense, defense of another, or subduing and apprehending subjects who are actively resisting arrest. Compared to empty hand counter strikes, the baton is less likely to cause injury to the officer and provides added distance from the subject. Officers should target center mass of a subject's torso, arms, and legs, and avoid the subject's head, throat, neck, heart, and groin, unless threatened with serious physical harm.

**Use of Force Review Board:** The Use of Force Review Board will conduct comprehensive reviews of the following use of force incidents:

- A use of force resulting in hospitalization or serious injury to a subject or police officer involved in a use of force incident;
- A use of force that includes a citizen's complaint of unnecessary or excessive force by an officer;
- Any use of force incident recommended for review by a supervisor and approved by the Police Chief.

The Use of Force Review Board consists of:

- The Police Chief;
- All Supervisors;

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- (1) Police Officer

The Review Board will determine whether all uses of force during the encounter were consistent with Department Policy and training, whether the involved officers employed proper tactics, and whether lesser force alternatives were reasonably available.

#### 300.1.3 CERTIFICATION STANDARDS

This policy contains content that pertains to the following Ohio Collaborative Law Enforcement Agency Certification (OCLEAC) Standards: 8.2015.1

[See attachment: OCLEAC Standards Compliance Checklist 8.2015.1.pdf](#)

#### **300.2 POLICY**

It is the policy of the Mount Healthy Police Department to treat all members of the public with dignity, respect, and in adherence with the rights and liberties afforded by the United States Constitution and the Constitution and laws of the State of Ohio. The department respects and values all human life and it recognizes that deadly force will only be used consistent with this policy

In the course of their duties, officers of the Department may find it necessary to use force to defend themselves, defend others, effect an arrest or detention, prevent escape or overcome resistance, and to protect property. In any encounter where the use of force becomes necessary, only objectively reasonable force should be used, consistent with policy and training. Any use of force shall require the officer to specifically detail the force used and the reason. Reviewing commands will evaluate the reasonableness, appropriateness, and necessity of the force used based on the circumstances known to the officer at the time the force was used. It is never permissible to use force greater than necessary to achieve lawful objectives or to conduct lawful public safety activities.

At times, policing requires that an officer must exercise control of a violent or resisting subject in order to make an arrest, to protect the officer, to protect other officers, or to protect the public from the risk of imminent harm. Not every potential violent confrontation can be de-escalated, but officers have the ability to impact the direction and the outcome of many situations they encounter, based on their decision-making and the tactics that they choose to employ. Whenever possible and reasonable based on the totality of circumstances, an officer shall use de-escalation techniques and other alternatives to force, consistent with his or her training, to reduce the need for force and before resorting to higher levels of force. Whenever possible and when such delay will not compromise the safety of the officer or another and will not result in the destruction of evidence, escape of a suspect, or commission of a crime, an officer shall allow an individual time and opportunity to submit to verbal commands before force is used.

In determining the appropriate level of force, officers shall evaluate each situation in light of facts and circumstances of each particular case. Those factors may include, but are not limited to:

- The severity of the crime at issue
- The level of threat or resistance presented by the subject

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- Whether the subject was posing an immediate threat to officers or danger to the community
- The potential for injury to citizens, officers, or subjects
- The risk or apparent attempt by the subject to escape
- The conduct of the subject being confronted
- The time available to an officer to make a decision
- The availability of other resources
- The training and experience of the officer
- The proximity or access of weapons to the subject
- Officer versus subject factors such as age, size, relative strength, skill level, injury/exhaustion and number officers versus subjects
- The environmental factors and/or other exigent circumstances [CALEA 4.1.1]

The use of force by law enforcement personnel is a matter of critical concern, both to the public and to the law enforcement community. Officers are involved on a daily basis in numerous and varied interactions and, when warranted, may use reasonable force in carrying out their duties.

Officers must have an understanding of, and true appreciation for, their authority and limitations. This is especially true with respect to overcoming resistance while engaged in the performance of law enforcement duties.

The Department recognizes and respects the value of all human life and dignity without prejudice to anyone. Vesting officers with the authority to use reasonable force and to protect the public welfare requires monitoring, evaluation and a careful balancing of all interests.

A police officer's right to make an arrest or investigatory stop necessarily carries with it the right to use some degree of physical coercion, or threat thereof, to effect it. Determining whether the force used to effect a particular seizure is reasonable under the Fourth Amendment requires a careful balancing of the nature and quality of the intrusion on the individual's Fourth Amendment interests against the countervailing governmental interests at stake (*Graham v. Conner*, 1989).

Before any use of force option is employed by an officer to effect an arrest, its proper application requires careful attention to the facts and circumstances of each particular case, including:

1. The severity of the crime at issue;
2. Whether the suspect poses an immediate threat to the safety of the officers or others;
3. Whether the suspect is **actively resisting arrest** or attempting to evade arrest by flight.

Courtesy in all public contacts encourages understanding and cooperation. The most desirable method for effecting an arrest is where a suspect complies with simple directions given by an officer.

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When officers are confronted with a situation where control is required to effect an arrest or protect the public's safety, officers should attempt to achieve control through advice, warnings, and persuasion.

The suspect should be allowed to submit to arrest before force is used unless this causes unnecessary danger to the officer or others.

**When officers have a right to make an arrest, they will only use the force reasonably necessary to apprehend the offender or effect the arrest and no more. Just as officers must be prepared to respond appropriately to rising levels of resistance, they must likewise be prepared to promptly de-escalate the use of force as the subject de-escalates or comes under police control. Officers should use distance and cover, tactical repositioning, "slowing down" situations that do not pose an immediate threat, calling for supervisory and other resources to assist in making an arrest.**

Officers must avoid using unnecessary violence. Their privilege to use force is not limited to that amount of force necessary to protect themselves or others, but extends to that amount reasonably necessary to enable them to effect the arrest of an actively resistant subject.

Force situations often do not allow for an ordinal progression up a continuum of force and officers must be ready to escalate or de-escalate as the situation evolves.

#### **USE OF FORCE CONTINUUM Examples of Subject Resistance**

- Uncooperative: Subject fails to respond to verbal commands or other directions.
- Active resistance: Subject is making physically evasive movements to defeat the officer's attempt at control, including bracing, tensing, pushing, fleeing, or verbally signaling an intention to avoid or prevent being taken into or retained in custody.
- Assault or threat of assault: Subject assumes fighting stance, charges, strikes, or kicks an officer or verbally or physically indicates an intention to commit an assault combined with the subject's capability to assault
- Life threatening assault or assault likely to cause serious physical harm: Subject commits an attack using an object, a weapon, or an empty hand assault, wherein the officer reasonably believes the assault will result in serious physical harm and/or death.

#### **Examples of Officer/Subject Factors**

- Physical size
- Influence of alcohol or drugs on subject
- Subject's mental capacity or impairment
- Multiple suspects

#### **Examples of Special Circumstances**

- Environmental factors

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- Distance from subject
- Officer injury exhaustion
- Proximity of weapon
- Officer on ground
- Special knowledge
- Crime involved
- History/knowledge of subject

#### **Force Options**

- Officer Presence
- Verbal skills
- CEW /Chemical irritant
- Escort techniques
- Balance displacement
- Hard hands (pressure points/strikes)
- PepperBall launcher (Non-Lethal)
- Expandable baton
- Deadly force

Each force situation is unique and this continuum is intended only as an illustration of the various force options available to an officer facing a given level of subject resistance. This continuum is not intended to preclude a force option when that option would not exceed the amount of force reasonably necessary to effect a lawful arrest (Graham v. Connor, 1989). Good judgment and the circumstances of each situation will dictate the level on the continuum of force at which an officer will start. Depending on the circumstances, officers may find it necessary to escalate and de-escalate the use of force by progressing up and down the force continuum. It is not the intent of this continuum to require officers to try each of the options before moving to the next, as long as the level of force used is reasonable under the circumstances.

Disengagement is a reasonable option in consideration of officer safety and the necessity to apprehend promptly. Disengagement, area containment, surveillance, waiting-out a subject, summoning reinforcements, or calling in specialized units may be an appropriate response to a situation and should be considered. The options may be used simultaneously, for instance, combining verbal commands with use of chemical irritant. The officer must choose the necessary response based on law, department policy, training, and experience. The officer must exercise proper use of force decision making, which means the use of reasonable force, including proper tactics, and de-escalation techniques.

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Force options may be used simultaneously, for instance, combining verbal commands with use of chemical irritant. An officer must choose the necessary response based on law, department policy, training and experience. An officer must exercise proper use of force decision making, which means the use of reasonable force, including proper tactics, and de-escalation techniques.

**Conducted Electrical Weapon:** A conducted electrical weapon (CEW) is an electronic control device that is a non-lethal force alternative used to assist officers in the performance of their duties. A CEW is designed for self-defense or to temporarily immobilize a subject who is actively resisting arrest. It generates electricity in a small, hand-held, battery operated unit about the size of a handgun. Mount Healthy Police Department utilizes the TASER 7 CEW.

When properly used, a CEW generates electrical impulses that cause Neuro Muscular Incapacitation (NMI). NMI occurs when the CEW causes involuntary stimulation of both the sensory nerves and the motor nerves. Subjects become physically incapacitated and unable to control muscle movement, allowing officers to gain control.

A CEW may be used in situations where time and conditions permit. It can be an extremely effective control device for close range incapacitation.

When deploying a cartridge from the CEW, frontal shots are prohibited except in situations of self-defense or defense of another. The preferred target area is the back of the individual **actively resisting arrest**. If a frontal shot **must** be taken, target the lower torso and legs. The CEW should never be deployed on an individual operating a moving vehicle.

In rare circumstances, there have been medical concerns raised about CEW probes deployed to the chest region causing sudden cardiac arrest. According to the manufacturer of the CEW used by MHPD, the aforementioned preferred target areas increase the distance of the dart-to-heart safety margin. When deployed in the drive stun mode, the neck up and groin **should not** be targeted.

CEWs are uploaded automatically as part of the battery charging process. Each battery will be uploaded and charged monthly.

Supervisors will review CEW data for their personnel in evidence.com bi-annually utilizing the listed dates below:

- **April 1 – September 30, review completed by October 20**
- **October 1 – March 31, review completed by April 20**

The Police Chief will ensure a supervisor reviews the uploads for activations not consistent with daily spark tests or previously documented use of force incidents.

The following activations require the investigating supervisor to provide a concise response on a Form 17 to the Police Chief justifying the activation, including the corresponding Axon Standards Event number, if applicable:

- Activations not consistent with daily spark tests or previously documented use of force incidents.

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- Activations lasting ten seconds or longer in duration.
- Three or more consecutive activations with minimal time in between the activations.

Unresolved activations which require further investigation must be documented on a Form 17 to the Police Chief.

**Monadnock Auto-Lock Batons:** Monadnock Auto-Lock batons are impact tools that offer a less lethal method for self-defense, defense of another, or subduing and apprehending subjects who are actively resisting arrest. Compared to empty hand counter strikes, the baton is less likely to cause injury to the officer and provides added distance from the subject. Officers should target center mass of a subject's torso, arms, and legs, and avoid the subject's head, throat, neck, heart, and groin, unless threatened with serious physical harm.

**PepperBall:** The PepperBall launcher is a non-lethal tool that provides another alternative for self-defense, defense of another or apprehending subjects who are **actively resisting arrest**. This impact and chemical irritant device is capable of incapacitating subjects, thereby reducing their ability to continue aggressive action.

All members have a duty to ensure the use of force and any citizen allegation of excessive force are reported to the Police Department. Whenever employees use deadly force, force, hard hand tactics, chemical irritant, CEW; or confront resistance that results in an injury or complaint of injury to a citizen; or have knowledge of any of the above; or are aware of a citizen complaint of excessive force, they will promptly notify a supervisor. The supervisor or command officer investigating the incident must be of at least the next higher rank than the officer(s) who used force.

The only exception is when a supervisor uses force. In this case, another supervisor will investigate.

The Review Board will assume the investigative and reporting responsibility for all incidents involving uses of deadly and serious force. This includes, but may not be limited to:

- Action that directly or indirectly results in a person being seriously injured, admitted to a hospital, or killed (including injuries that are self-inflicted).
- All head strikes with an impact weapon.
- All uses of a carotid/choke hold.

Officers who use excessive force will be subject to discipline, possible criminal prosecution, and/or civil liability.

Following any use of force resulting in a citizen's injury, officers will ensure appropriate first aid is rendered promptly once the incident scene is stabilized.

#### 300.2.1 DUTY TO INTERCEDE AND REPORT

Any officer present and observing another law enforcement officer or a member using force that is clearly beyond that which is objectively reasonable under the circumstances shall, when in



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a position to do so, intercede within their scope of authority and training to prevent the use of unreasonable force.

Any officer who observes another law enforcement officer or a member use force that is potentially beyond that which is objectively reasonable under the circumstances should report these observations to a supervisor.

Non-sworn personnel are not required to intercede in use of force situations where they are not properly trained for required by oath of office or law to take such actions.

#### **300.2.2 PERSPECTIVE**

When observing or reporting force used by a law enforcement officer, each officer should take into account the totality of the circumstances and the possibility that other law enforcement officers may have additional information regarding the threat posed by the subject.

#### **300.3 USE OF FORCE**

Officers shall use only that amount of force that reasonably appears necessary given the facts and circumstances perceived by the officer at the time of the event to accomplish a legitimate law enforcement purpose.

The reasonableness of force will be judged from the perspective of a reasonable officer on the scene at the time of the incident. Any evaluation of reasonableness must allow for the fact that officers are often forced to make split-second decisions about the amount of force that reasonably appears necessary in a particular situation, with limited information and in circumstances that are tense, uncertain and rapidly evolving.

Given that no policy can realistically predict every possible situation an officer might encounter, officers are entrusted to use well-reasoned discretion in determining the appropriate use of force in each incident.

It is also recognized that circumstances may arise in which officers reasonably believe that it would be impractical or ineffective to use any of the tools, weapons or methods provided by this department. Officers may find it more effective or reasonable to improvise their response to rapidly unfolding conditions that they are confronting. In such circumstances, the use of any improvised device or method must nonetheless be reasonable and utilized only to the degree that reasonably appears necessary to accomplish a legitimate law enforcement purpose.

While the ultimate objective of every law enforcement encounter is to avoid or minimize injury, nothing in this policy requires an officer to retreat or be exposed to possible physical injury before applying reasonable force.

#### **300.3.1 TERMINATION OF USE OF FORCE**

When it is objectively reasonable that a subject is fully in law enforcement's control, then the force must terminate [Executive Order: 13929].

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##### 300.3.2 USE OF FORCE TO EFFECT AN ARREST

Any officer who has reasonable cause to believe that the person to be arrested has committed a crime or public offense may use reasonable force to effect the arrest, to prevent escape or to overcome resistance. An officer who makes or attempts to make an arrest need not retreat or desist from his/her efforts by reason of resistance or threatened resistance on the part of the person being arrested, nor shall an officer be deemed the aggressor or lose his/her right to self-defense by the use of reasonable force to effect the arrest, prevent escape or to overcome resistance.

Officers actively engaged in the application of force must ensure the use of force does not continue beyond the point that is reasonable. Officers must continually reassess the situation and ensure the level of force being used meets the objectively reasonableness standard.

##### 300.3.3 FACTORS USED TO DETERMINE THE REASONABLENESS OF FORCE

When determining whether to apply force and evaluating whether an officer has used reasonable force, a number of factors should be taken into consideration, as time and circumstances permit. These factors include but are not limited to:

- (a) Immediacy and severity of the threat to officers or others.
- (b) The conduct of the individual being confronted, as reasonably perceived by the officer at the time.
- (c) Officer/subject factors (e.g., age, size, relative strength, skill level, injuries sustained, level of exhaustion or fatigue, the number of officers available vs. subjects).
- (d) The effects of suspected drug or alcohol use.
- (e) The individual's mental state or capacity.
- (f) The individual's ability to understand and comply with officer commands.
- (g) Proximity of weapons or dangerous improvised devices.
- (h) The degree to which the individual has been effectively restrained and the individual's ability to resist despite being restrained.
- (i) The availability of other reasonable and feasible options and their possible effectiveness.
- (j) Seriousness of the suspected offense or reason for contact with the individual.
- (k) Training and experience of the officer.
- (l) Potential for injury to officers, suspects, and others.
- (m) Whether the individual appears to be resisting, attempting to evade arrest by flight, or is attacking the officer.
- (n) The risk and reasonably foreseeable consequences of escape.
- (o) The apparent need for immediate control of the individual or a prompt resolution of the situation.

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- (p) Whether the conduct of the individual being confronted no longer reasonably appears to pose an imminent threat to the officer or others.
- (q) Prior contacts with the individual or awareness of any propensity for violence.
- (r) Any other exigent circumstances.

#### 300.3.4 PAIN COMPLIANCE TECHNIQUES

Pain compliance techniques may be effective in controlling a physically or actively resisting individual. Officers may only apply those pain compliance techniques for which they have successfully completed department-approved training. Officers utilizing any pain compliance technique should consider:

- (a) The degree to which the application of the technique may be controlled given the level of resistance.
- (b) Whether the individual can comply with the direction or orders of the officer.
- (c) Whether the individual has been given sufficient opportunity to comply.

The application of any pain compliance technique shall be discontinued once the officer determines that compliance has been achieved.

#### 300.3.5 CAROTID CONTROL HOLD / VASCULAR NECK RESTRICTIONS

A carotid control hold is a technique designed to control an individual by temporarily restricting blood flow through the application of pressure to the side of the neck and, unlike a chokehold, does not restrict the airway. Due to the potential for injury, the use of carotid control hold is prohibited.

- (a)
- (b)
- (c)
- (d)
- (e)
- (f)

#### 300.3.6 USE OF FORCE TO SEIZE EVIDENCE

In general, officers may use reasonable force to lawfully seize evidence and to prevent the destruction of evidence. However, officers are discouraged from using force solely to prevent a person from swallowing evidence or contraband. In the instance when force is used, officers should not intentionally use any technique that restricts blood flow to the head, restricts respiration or which creates a reasonable likelihood that blood flow to the head or respiration would be restricted. Officers are encouraged to use techniques and methods taught by the Mount Healthy Police Department for this specific purpose.

#### 300.3.7 ALTERNATIVE TACTICS - DE-ESCALATION

When circumstances reasonably permit, officers should use non-violent strategies and techniques to decrease the intensity of a situation, improve decision-making, improve communication, reduce

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the need for force, and increase voluntary compliance (e.g., summoning additional resources, formulating a plan, attempting verbal persuasion).

#### 300.3.8 RESPIRATORY RESTRAINTS

The use of a respiratory restraints also known as a choke hold, is prohibited. [Executive Order: 13929] [CALEA 4.1.7].

#### **300.4 DEADLY FORCE APPLICATIONS**

When reasonable, the officer shall, prior to the use of deadly force, make efforts to identify him/herself as a peace officer and to warn that deadly force may be used, unless the officer has objectively reasonable grounds to believe the person is aware of those facts.

Use of deadly force is justified in the following circumstances involving imminent threat or imminent risk:

- (a) An officer may use deadly force to protect him/herself or others from what he/she reasonably believes is an imminent threat of death or serious bodily injury.
- (b) An officer may use deadly force to stop a fleeing subject when the officer has probable cause to believe that the individual has committed, or intends to commit, a felony involving the infliction or threatened infliction of serious bodily injury or death, and the officer reasonably believes that there is an imminent risk of serious bodily injury or death to any other person if the individual is not immediately apprehended. Under such circumstances, a verbal warning should precede the use of deadly force, where feasible.

Imminent does not mean immediate or instantaneous. An imminent danger may exist even if the suspect is not at that very moment pointing a weapon at someone. For example, an imminent danger may exist if an officer reasonably believes that the individual has a weapon or is attempting to access one and intends to use it against the officer or another person. An imminent danger may also exist if the individual is capable of causing serious bodily injury or death without a weapon, and the officer believes the individual intends to do so.

#### 300.4.1 MOVING VEHICLES

Shots fired at or from a moving vehicle involve additional considerations and risks, and are rarely effective.

When feasible, **officers** should take reasonable steps to move out of the path of an approaching vehicle instead of discharging their firearm at the vehicle or any of its occupants.

An officer should only discharge a firearm at a moving vehicle or its occupants when the officer reasonably believes there are no other reasonable means available to avert the imminent threat of the vehicle, or if deadly force other than the vehicle is directed at the officer or others [Executive Order: 13929].

Officers should not shoot at any part of a vehicle in an attempt to disable the vehicle.

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##### 300.4.2 WARNING SHOTS

Police officers are prohibited from firing warning shots [Executive Order: 13929].

##### 300.4.3 CHOKE HOLDS

Use of choke holds of any kind are prohibited.

##### 300.4.4 WARN BEFORE SHOOTING

When circumstances permit and when reasonably practical to identify themselves as law enforcement officers and to give verbal warning of their intent to use deadly force with a firearm [Executive Order: 13929].

#### **300.5 REPORTING THE USE OF FORCE**

Any use of force by a member of this department shall be documented promptly, completely, and accurately in an appropriate report, depending on the nature of the incident. The officer should articulate the factors perceived and why he/she believed the use of force was reasonable under the circumstances.

To collect data for purposes of training, resource allocation, analysis, and related purposes, the Department may require the completion of additional report forms, as specified in department policy, procedure, or law. See the Report Preparation Policy for additional circumstances that may require documentation.

##### 300.5.1 NOTIFICATIONS TO SUPERVISORS

Supervisory notification shall be made as soon as practicable following the application of force in any of the following circumstances:

- (a) The application caused a visible injury.
- (b) The application would lead a reasonable officer to conclude that the individual may have experienced more than momentary discomfort.
- (c) The individual subjected to the force complained of injury or continuing pain.
- (d) The individual indicates intent to pursue litigation.
- (e) Any application of the conducted energy device or control device.
- (f) Any application of a restraint device other than handcuffs, shackles, or belly chains.
- (g) The individual subjected to the force was rendered unconscious.
- (h) An individual was struck or kicked.
- (i) An individual alleges unreasonable force was used or that any of the above has occurred.

#### **300.6 MEDICAL CONSIDERATIONS**

Once it is reasonably safe to do so, medical assistance shall be obtained for any person who exhibits signs of physical distress, has sustained visible injury, expresses a complaint of injury or continuing pain, or was rendered unconscious. Any individual exhibiting signs of physical distress after an encounter should be continuously monitored until the individual can be medically

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assessed. Individuals should not be placed on their stomachs for an extended period, as this could impair their ability to breathe.

Based upon the officer's initial assessment of the nature and extent of the individual's injuries, medical assistance may consist of examination by an emergency medical services provider or medical personnel, at a hospital or jail. If any such individual refuses medical attention, such a refusal shall be fully documented in related reports and, whenever practicable, should be witnessed by another officer and/or medical personnel. If a recording is made of the contact or an interview with the individual, any refusal should be included in the recording, if possible.

The on-scene supervisor or, if the on-scene supervisor is not available, the primary handling officer shall ensure that any person providing medical care or receiving custody of a person following any use of force is informed that the person was subjected to force. This notification shall include a description of the force used and any other circumstances the officer reasonably believes would be potential safety or medical risks to the subject (e.g., prolonged struggle, extreme agitation, impaired respiration).

Individuals who exhibit extreme agitation, violent irrational behavior accompanied by profuse sweating, extraordinary strength beyond their physical characteristics, and imperviousness to pain, or who require a protracted physical encounter with multiple officers to be brought under control, may be at an increased risk of sudden death. Calls involving these persons should be considered medical emergencies. Officers who reasonably suspect a medical emergency should request medical assistance as soon as practicable and have medical personnel stage away.

See the Medical Aid and Response Policy for additional guidelines.

#### **300.7 SUPERVISOR RESPONSIBILITIES**

A supervisor should respond to a reported application of force resulting in visible injury, if reasonably available. When a supervisor is able to respond to an incident in which there has been a reported application of force, the supervisor is expected to:

- (a) Obtain the basic facts from the involved officers. Absent an allegation of misconduct or excessive force, this will be considered a routine contact in the normal course of duties.
- (b) Ensure that any injured parties are examined and treated.
- (c) When possible, separately obtain a recorded interview with the individual upon whom force was applied. If this interview is conducted without the individual having voluntarily waived his/her *Miranda* rights, the following shall apply:
  1. The content of the interview should not be summarized or included in any related criminal charges.
  2. The fact that a recorded interview was conducted should be documented in a property or other report.
  3. The recording of the interview should be distinctly marked for retention until all potential for civil litigation has expired.

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- (d) Once any initial medical assessment has been completed or first aid has been rendered, ensure that photographs have been taken of any areas involving visible injury or complaint of pain, as well as overall photographs of uninjured areas.
  - 1. These photographs should be retained until all potential for civil litigation has expired.
- (e) Identify any witnesses not already included in related reports.
- (f) Review and approve all related reports.
- (g) Determine if there is any indication that the individual may pursue civil litigation.
  - 1. If there is an indication of potential civil litigation, the supervisor should complete and route a notification of a potential claim through the appropriate channels.
- (h) Evaluate the circumstances surrounding the incident and initiate an administrative investigation if there is a question of policy noncompliance or if for any reason further investigation may be appropriate.

In the event that a supervisor is unable to respond to the scene of an incident involving the reported application of force, the supervisor is still expected to complete as many of the above items as circumstances permit.

#### **300.7.1 SHIFT SUPERVISOR RESPONSIBILITY**

The investigating Sergeant shall review each use of force by any personnel within his/her command to ensure compliance with this policy and to address any training issues and/or policy violations. Work-flow the report to the reviewing supervisor and he/she will work-flow the report to the Police Chief for final review.

#### **300.8 TRAINING**

Officers will receive periodic training on this policy and demonstrate their knowledge and understanding, at least annually, including use of deadly force, use of force and use of deadly force reporting, and use of force and use of deadly force reviews/investigations. Additional training protocols shall include substantive instruction on the agency's use of force policies and procedures, de-escalation techniques, and related legal updates[Executive Order: 13929].

All agency personnel authorized to carry lethal and less lethal weapons receive all use of force policies and related instruction before authorization to carry a weapon. Policy receipt and curriculum delivery must be documented.

Subject to available resources, officers should receive periodic training on:

- (a) Guidelines regarding vulnerable populations, including but not limited to children, elderly, pregnant persons, and individuals with physical, mental, or intellectual disabilities.
- (b) De-escalation tactics, including alternatives to force.

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#### **300.9 USE OF FORCE ANALYSIS**

At least annually, the Patrol Sergeant shall prepare an analysis report on use of force incidents. The report should be submitted to the Chief of Police. The report should not contain the names of officers, suspects or case numbers, and should include:

- (a) date and time of incidents;
- (b) types of encounters resulting in use of force;
- (c) . trends or patterns related to race, age and gender of subjects involved;
- (d) trends or patterns resulting in injury to any person including persons; and
- (e) impact of findings on policies, practices, equipment, and training.
- (f) Training needs recommendations.
- (g) Equipment needs recommendations.
- (h) Policy revision recommendations.



## Use of Force Review Boards

### 301.1 PURPOSE AND SCOPE

This policy establishes a process for the Mount Healthy Police Department to review the use of force by its employees.

This review process shall be in addition to any other review or investigation that may be conducted by any outside or multi-agency entity having jurisdiction over the investigation or evaluation of the use of deadly force.

### 301.2 POLICY

The Mount Healthy Police Department will objectively evaluate the use of force by its members to ensure that their authority is used lawfully, appropriately and is consistent with training and policy.

### 301.3 OPERATIONAL ASSIGNMENT

The purpose of this policy is to require any employee whose action(s) or use of force in an official capacity results in death or serious physical injury be removed from operational assignments pending an administrative review.

1. Any officer, acting in an official capacity, directly involved in a deadly force or other action which involves serious injury or death shall be removed from line duty assignment or be placed on paid administrative leave directly upon completion of his/her preliminary report of the incident. This leave shall be without loss of pay or benefits, pending the results of the investigation. The assignment to administrative leave shall not be interpreted to imply or indicate that the employee has acted improperly.
2. While on administrative leave, the employee shall remain available at all times for official department interviews and statements regarding the incident, and shall be subject to recall to duty at any time. The employee shall not discuss the incident with anyone except the prosecuting investigation, the employee's private attorney, the employee's psychologist, the employee's physician, the employee's clergy, and the employee's immediate family.
3. Upon returning to duty, the employee may be assigned to administrative duty for a period of time as deemed appropriate by the Police Chief.

### 301.4 REVIEW BOARD

The Use of Force Review Board will be convened when the use of force by a member results in very serious injury or death to another.

The Use of Force Review Board will also investigate and review the circumstances surrounding every discharge of a firearm, whether the employee was on- or off-duty, excluding training or recreational use.

The Chief of Police may request the Use of Force Review Board to investigate or review the circumstances surrounding any use of force incident.

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The Sergeant assigned to dayswill convene the Use of Force Review Board as necessary. It will be the responsibility of the supervisor of the involved employee to notify the Sergeant assigned to daysof any incidents requiring board review. The involved employee's Sergeantwill also ensure that all relevant reports, documents and materials are available for consideration and review by the board.

#### 301.4.1 COMPOSITION OF THE BOARD

The composition of the panel shall be:

- Chief of Police
- Sergeants
- Community members as selected by the Police Chief

The Chief will serve as chairperson.

#### 301.4.2 RESPONSIBILITIES OF THE BOARD

The Use of Force Review Board is empowered to conduct an administrative review and inquiry into the circumstances of an incident.

The board members may request further investigation, request reports be submitted for the board's review, call persons to present information and request the involved employee to appear. The involved employee will be notified of the meeting of the board and may choose to have a representative through all phases of the review process.

The board does not have the authority to recommend discipline.

The Chief of Police will determine whether the board should delay its review until after completion of any criminal investigation, review by any prosecutorial body, filing of criminal charges, the decision not to file criminal charges, or any other action. The board should be provided all relevant available material from these proceedings for its consideration.

The review shall be based upon those facts which were reasonably believed or known by the officer at the time of the incident, applying any legal requirements, department policies, procedures and approved training to those facts. Facts later discovered but unknown to the officer at the time shall neither justify nor call into question an officer's decision regarding the use of force.

Any questioning of the involved employee conducted by the board will be in accordance with the department's disciplinary procedures, the Personnel Complaints Policy, the current collective bargaining agreement and any applicable state or federal law. The Civilian Members may report any irregularities directly to the City Manager

The board shall make one of the following recommended findings:

- (a) The employee's actions were within department policy and procedure.
- (b) The employee's actions were in violation of department policy and procedure.

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A recommended finding requires a majority vote of the board. The board may also recommend additional investigations or reviews, such as disciplinary investigations, training reviews to consider whether training should be developed or revised, and policy reviews, as may be appropriate.

The Chief of Police shall review the recommendation, make a final determination as to whether the employee's actions were within policy and procedure and will determine whether any additional actions, investigations or reviews are appropriate. The Chief of Police's final findings will be forwarded to the involved employee's Sergeant for review and appropriate action. If the Chief of Police concludes that discipline should be considered, a disciplinary process will be initiated.

At the conclusion of any additional reviews, copies of all relevant reports and information will be filed with the Personnel Records Clerk.

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## Handcuffing and Restraints

### 302.1 PURPOSE AND SCOPE

This policy provides guidelines for the use of handcuffs and other restraints during detentions and arrests.

### 302.2 POLICY

The Mount Healthy Police Department authorizes the use of restraint devices in accordance with this policy, the Use of Force Policy and department training. Restraint devices shall not be used to punish, to display authority or as a show of force.

### 302.3 USE OF RESTRAINTS

Only members who have successfully completed Mount Healthy Police Department-approved training on the use of restraint devices described in this policy are authorized to use these devices.

When deciding whether to use any restraint, officers should carefully balance officer safety concerns with factors that include, but are not limited to:

- The circumstances or crime leading to the arrest.
- The demeanor and behavior of the arrested person.
- The age and health of the person.
- Whether the person is known to be pregnant.
- Whether the person has a hearing or speaking disability. In such cases, consideration should be given, safety permitting, to handcuffing to the front in order to allow the person to sign or write notes.
- Whether the person has any other apparent disability.

#### 302.3.1 RESTRAINT OF DETAINEES

Situations may arise where it may be reasonable to restrain an individual who may, after brief investigation, be released without arrest. Unless arrested, the use of restraints on detainees should continue only for as long as is reasonably necessary to assure the safety of officers and others. When deciding whether to remove restraints from a detainee, officers should continuously weigh the safety interests at hand against the continuing intrusion upon the detainee.

#### 302.3.2 RESTRAINT OF PREGNANT PERSONS PRIOR TO BOOKING

Any time prior to the completion of booking, persons (including minors) who are known to be pregnant should be restrained in the least restrictive manner that is effective for officer safety. Leg irons, waist chains, or handcuffs behind the body should not be used unless the officer has a reasonable suspicion that the person may resist, attempt escape, injure self or others, or damage property.

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No person who is in labor, delivery, or recovery after delivery should be handcuffed or restrained except in extraordinary circumstances and only when a supervisor makes an individualized determination that such restraints are necessary for the safety of the arrestee, officers, or others.

#### **302.3.3 RESTRAINT OF JUVENILES**

A juvenile under 14 years of age should not be restrained unless he/she is suspected of a dangerous felony or when the officer has a reasonable suspicion that the juvenile may resist, attempt escape, injure him/herself, injure the officer or damage property.

#### **302.3.4 NOTIFICATIONS**

Whenever an officer transports a person with the use of restraints other than handcuffs, the officer shall inform the jail staff upon arrival at the jail that restraints were used. This notification should include information regarding any other circumstances the officer reasonably believes would be potential safety concerns or medical risks to the subject (e.g., prolonged struggle, extreme agitation, impaired respiration) that may have occurred prior to, or during transportation to the jail.

#### **302.3.5 RESTRAINT OF PREGNANT PERSONS AFTER BOOKING**

No person who is a charged or convicted criminal offender (or minor who is charged or adjudicated delinquent) and known to be pregnant, or who is in labor, delivery, or in any period of postpartum recovery (which can be up to six weeks after delivery), should be restrained at any time following completion of the booking process except in extraordinary circumstances and only after a supervisor does all of the following (ORC § 2152.75; ORC § 2901.10):

- (a) Makes an individualized determination that the person either:
  1. Presents a risk of physical harm to self, to others, or to property
  2. Presents a security risk or a substantial flight risk
- (b) Confirms that the Department has not been provided with and is unaware of any notice from a health care professional treating the person that restraint of the person poses a risk of physical harm to the person or the person's unborn child
  1. If any such notice is received after the application of restraints to the person, the restraints should be removed.

In the event that restraints are applied as provided for in this section, the restraints shall be the least restrictive available and the most reasonable under the circumstances.

Waist restraints shall not be used (ORC § 2152.75; ORC § 2901.10).

Officers should confirm the pregnancy with a health care professional if the pregnancy is not obvious (ORC § 2152.75; ORC § 2901.10).

#### **302.4 APPLICATION OF HANDCUFFS OR PLASTIC CUFFS**

Handcuffs, including temporary nylon or plastic cuffs, may be used only to restrain a person's hands to ensure officer safety.

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In most situations handcuffs should be applied with the hands behind the person's back. When practicable, handcuffs shall be double-locked to prevent tightening, which may cause undue discomfort or injury to the hands or wrists.

In situations where one pair of handcuffs does not appear sufficient to restrain the individual or may cause unreasonable discomfort due to the person's size, officers should consider alternatives, such as using an additional set of handcuffs or multiple plastic cuffs.

Handcuffs should be removed as soon as it is reasonable or after the person has been searched and is safely confined within a detention facility.

#### **302.5 DETAINEE RESTRAINT METHODS**

- (a) Handcuffs or other physical restraints will be used only to immobilize detainees and not to cause injury, additional injury, or discomfort.
- (b) Detainees physically arrested and handcuffed will be restrained with their hands placed behind their back with palms facing outward, prior to being searched. The handcuffs shall always be double-locked, to avoid injury and to restrain the prisoner. The use of flex-cuffs and/or Hobble restraints is permissible when needed.
- (c) Officers shall immediately respond to a prisoner's complaint, with respect to the tightness of the restraints, to ensure the restraints are applied appropriately. Prisoners may be handcuffed with hands in front if leg restraints are used.
  1. All Officers shall carry Department issued Smith & Wesson hinged handcuffs.
    - (a) Members shall be responsible for the operation and maintenance of their handcuffs.
    - (b) At least one handcuff key shall be kept on the member's person at all times.
    - (c) When handcuffing, a prisoner shall be placed in an off-balance position to aid in member safety.
  2. Handcuffs and leg shackles shall be double locked when in use.
  3. Waist restraints and leg restraints shall be used only in conjunction with handcuffs and only when transporting prisoners, who are violent, have shown or demonstrated potential for violence, are an escape risk, or who represent an immediate danger to the transporting member(s) or others.
  4. Leg shackles shall be placed over the prisoner's trousers or socks for a snug fit while permitting free circulation. These must be double locked after fitting.
  5. The member should never assume that restraining devices are secure. Restraining devices shall be checked at regular intervals to make certain they are secure and are not injuring the prisoner.
  6. When more than one prisoner is being transported, each prisoner shall be individually handcuffed behind the back.
  7. Violent prisoners will not be transported in the same vehicle.

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8. Approved Departmental prisoner restraint devices include, handcuffs, flex cuffs, leg shackles, hobble restraint, and waist restraints.
9. Prisoner restraint devices shall not be used to secure prisoners to the interior of the transport vehicle.
10. While transporting a mentally disturbed, violent, handicapped, injured, or sick prisoner, extra precautions may become necessary. Such precautions may include, but not limited to, the use of multiple restraints.
11. Every prisoner in a police vehicle will be restrained with a safety belt.

"Hog tying" and "choke holds" are prohibited – Hog tying refers to the practice of pulling the prisoner's legs behind their back and securing them to their wrists with restraints. This technique has been connected to a potentially fatal condition called positional asphyxiation. The choke hold is prohibited as it can cause serious injury. Detainees will be transported in a seated, upright position to guard against positional asphyxia and will be monitored while in transport. If the detainee shows any signs of difficulty breathing or other life threatening issues, EMS will be contacted immediately.

#### **302.6 APPLICATION OF AUXILIARY RESTRAINT DEVICES**

Auxiliary restraint devices include transport belts, waist or belly chains, transportation chains, leg irons and other similar devices. Auxiliary restraint devices are intended for use during long-term restraint or transportation. They provide additional security and safety without impeding breathing, while permitting adequate movement, comfort and mobility.

Only department-authorized devices may be used. Any person in auxiliary restraints should be monitored as reasonably appears necessary.

#### **302.7 APPLICATION OF LEG RESTRAINT DEVICES**

Leg restraints may be used to restrain the legs of a violent or potentially violent person when it is reasonable to do so during the course of detention, arrest or transportation. Only restraint devices approved by the Department shall be used.

In determining whether to use the leg restraint, officers should consider:

- (a) Whether the officer or others could be exposed to injury due to the assaultive or resistant behavior of a suspect.
- (b) Whether it is reasonably necessary to protect the suspect from his/her own actions (e.g., hitting his/her head against the interior of the patrol unit, running away from the arresting officer while handcuffed, kicking at objects or officers).
- (c) Whether it is reasonably necessary to avoid damage to property (e.g., kicking at windows of the patrol unit).

##### **302.7.1 GUIDELINES FOR USE OF LEG RESTRAINTS**

When applying leg restraints the following guidelines should be followed:

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- (a) If practicable, officers should notify a supervisor of the intent to apply the leg restraint device. In all cases, a supervisor shall be notified as soon as practicable after the application of the leg restraint device.
- (b) Once applied, absent a medical or other emergency, restraints should remain in place until the officer arrives at the jail or other facility or the person no longer reasonably appears to pose a threat.
- (c) Once secured, the person should be placed in a seated or upright position, secured with a seat belt, and shall not be placed on his/her stomach for an extended period, as this could reduce the person's ability to breathe.
- (d) The restrained person should be continually monitored by an officer while in the leg restraint. The officer should ensure that the person does not roll onto and remain on his/her stomach.
- (e) The officer should look for signs of labored breathing and take appropriate steps to relieve and minimize any obvious factors contributing to this condition.
- (f) When transported by ambulance/paramedic unit, the restrained person should be accompanied by an officer when requested by medical personnel. The transporting officer should describe to medical personnel any unusual behaviors or other circumstances the officer reasonably believes would be potential safety or medical risks to the subject (e.g., prolonged struggle, extreme agitation, impaired respiration).

#### **302.8 REQUIRED DOCUMENTATION**

If a person is restrained and released without an arrest, the officer shall document the details of the detention and the need for handcuffs or other restraints.

If a person is arrested, the use of handcuffs or other restraints shall be documented in the related report.

Officers should document the following information in reports, as appropriate, when restraints other than handcuffs are used on a person:

- (a) The factors that led to the decision to use restraints.
- (b) Supervisor notification and approval of restraint use.
- (c) The types of restraint used.
- (d) The amount of time the person was restrained.
- (e) How the person was transported and the position of the person during transport.
- (f) Observations of the person's behavior and any signs of physiological problems.
- (g) Any known or suspected drug use or other medical problems.

#### **302.9 TRAINING**

Subject to available resources, the Police Chief should ensure that officers receive periodic training on the proper use of handcuffs and other restraints, including:

- (a) Proper placement and fit of handcuffs and other restraint devices approved for use by the Department.



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- (b) Response to complaints of pain by restrained persons.
- (c) Options for restraining those who may be pregnant without the use of leg irons, waist chains, or handcuffs behind the body.
- (d) Options for restraining amputees or those with medical conditions or other physical conditions that may be aggravated by being restrained.
- (e) Any training materials provided by the Ohio Attorney General on the proper implementation of the restraint of pregnant persons (ORC § 109.749).

## Control Devices and Techniques

### 303.1 PURPOSE AND SCOPE

This policy provides guidelines for the use and maintenance of control devices that are described in this policy.

### 303.2 POLICY

In order to control subjects who are violent or who demonstrate the intent to be violent, the Mount Healthy Police Department authorizes officers to use control devices in accordance with the guidelines in this policy and the Use of Force Policy.

### 303.3 ISSUING, CARRYING AND USING CONTROL DEVICES

Control devices described in this policy may be carried and used by members of this department only if the device has been issued by the Department or approved by the Chief of Police or the authorized designee.

Only officers who have successfully completed department-approved training in the use of any control device are authorized to carry and use the device.

Officers shall carry control devices in a cross draw configuration.

Control devices may be used when a decision has been made to control, restrain or arrest a subject who is violent or who demonstrates the intent to be violent, and the use of the device appears reasonable under the circumstances. When reasonable, a verbal warning and opportunity to comply should precede the use of these devices.

When using control devices, officers should carefully consider potential impact areas in order to minimize injuries and unintentional targets.

### 303.4 RESPONSIBILITIES

#### 303.4.1 SHIFT SUPERVISOR RESPONSIBILITIES

The Shift Supervisor may authorize the use of a control device by selected personnel or members of specialized units who have successfully completed the required training.

#### 303.4.2 RANGEMASTER RESPONSIBILITIES

The Rangemaster shall control the inventory and issuance of all control devices and shall ensure that all damaged, inoperative, outdated or expended control devices or munitions are properly disposed of, repaired or replaced.

Every control device will be inspected prior to carrying by the Rangemaster or the designated instructor for a particular control device. All control devices will be inspected annually. The results of the inspection shall be documented.

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##### **303.4.3 USER RESPONSIBILITIES**

All normal maintenance, charging or cleaning shall remain the responsibility of personnel using the various devices.

Any damaged, inoperative, outdated or expended control devices or munitions, along with documentation explaining the cause of the damage, shall be returned to the Rangemaster for disposition. Damage to City property forms shall also be prepared and forwarded through the chain of command, when appropriate, explaining the cause of damage.

##### **303.5 BATON GUIDELINES**

The need to immediately control a suspect must be weighed against the risk of causing serious injury. The head, neck, throat, spine, heart, kidneys and groin should not be intentionally targeted except when the officer reasonably believes the suspect poses an imminent threat of serious bodily injury or death to the officer or others.

When carrying a baton, uniformed personnel shall carry the baton in its authorized holder on the equipment belt. Plainclothes and non-field personnel may carry the baton as authorized and in accordance with the needs of their assignment or at the direction of their supervisor.

##### **303.6 TEAR GAS GUIDELINES**

Tear gas may be used for crowd control, crowd dispersal or against barricaded suspects based on the circumstances. Only the Shift Supervisor, Incident Commander or Crisis Response Unit Commander may authorize the delivery and use of tear gas, and only after evaluating all conditions known at the time and determining that such force reasonably appears justified and necessary.

When practicable, fire personnel should be alerted or summoned to the scene prior to the deployment of tear gas to control any fires and to assist in providing medical aid or gas evacuation if needed.

##### **303.7 OLEORESIN CAPSICUM (OC) GUIDELINES**

As with other control devices, oleoresin capsicum (OC) spray and pepper projectiles may be considered for use to bring under control an individual or groups of individuals who are engaging in, or are about to engage in violent behavior. Pepper projectiles and OC spray should not, however, be used against individuals or groups who merely fail to disperse or do not reasonably appear to present a risk to the safety of officers or the public.

###### **303.7.1 OC SPRAY**

Uniformed personnel carrying OC spray shall carry the device in its holster on the equipment belt. Plainclothes and non-field personnel may carry OC spray as authorized, in accordance with the needs of their assignment or at the direction of their supervisor.

###### **303.7.2 PEPPER PROJECTILE SYSTEMS**

Pepper projectiles are plastic spheres that are filled with a derivative of OC powder. Because the compressed gas launcher delivers the projectiles with enough force to burst the projectiles on impact and release the OC powder, the potential exists for the projectiles to inflict injury if they

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strike the head, neck, spine or groin. Therefore, personnel using a pepper projectile system should not intentionally target those areas, except when the officer reasonably believes the suspect poses an imminent threat of serious bodily injury or death to the officer or others.

Officers encountering a situation that warrants the use of a pepper projectile system shall notify a supervisor as soon as practicable. A supervisor shall respond to all pepper projectile system incidents where the suspect has been hit or exposed to the chemical agent. The supervisor shall ensure that all notifications and reports are completed as required by the Use of Force Policy.

Each deployment of a pepper projectile system shall be documented. This includes situations where the launcher was directed toward the suspect, whether or not the launcher was used. Unintentional discharges shall be promptly reported to a supervisor and documented on the appropriate report form. Only non-incident use of a pepper projectile system, such as training and product demonstrations, is exempt from the reporting requirement.

#### **303.7.3 TREATMENT FOR OC SPRAY EXPOSURE**

Persons who have been sprayed with or otherwise affected by the use of OC should be promptly provided with clean water to cleanse the affected areas. Those persons who complain of further severe effects shall be examined by appropriate medical personnel.

#### **303.8 POST-APPLICATION NOTICE**

Whenever tear gas or OC has been introduced into a residence, building interior, vehicle or other enclosed area, officers should provide the owners or available occupants with notice of the possible presence of residue that could result in irritation or injury if the area is not properly cleaned. Such notice should include advisement that cleanup will be at the owner's expense. Information regarding the method of notice and the individuals notified should be included in related reports.

#### **303.9 KINETIC ENERGY PROJECTILE GUIDELINES**

This department is committed to reducing the potential for violent confrontations. Kinetic energy projectiles, when used properly, are less likely to result in death or serious physical injury and can be used in an attempt to de-escalate a potentially deadly situation.

##### **303.9.1 DEPLOYMENT AND USE**

Only department-approved kinetic energy munitions shall be carried and deployed. Approved munitions may be used to compel an individual to cease his/her actions when such munitions present a reasonable option.

Officers are not required or compelled to use approved munitions in lieu of other reasonable tactics if the involved officer determines that deployment of these munitions cannot be done safely. The safety of hostages, innocent persons and officers takes priority over the safety of subjects engaged in criminal or suicidal behavior.

Circumstances appropriate for deployment include, but are not limited to, situations in which:

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- (a) The suspect is armed with a weapon and the tactical circumstances allow for the safe application of approved munitions.
- (b) The suspect has made credible threats to harm him/herself or others.
- (c) The suspect is engaged in riotous behavior or is throwing rocks, bottles or other dangerous projectiles at people and/or officers.
- (d) There is probable cause to believe that the suspect has already committed a crime of violence and is refusing to comply with lawful orders.

#### 303.9.2 DEPLOYMENT CONSIDERATIONS

Before discharging projectiles, the officer should consider such factors as:

- (a) Distance and angle to target.
- (b) Type of munitions employed.
- (c) Type and thickness of subject's clothing.
- (d) The subject's proximity to others.
- (e) The location of the subject.
- (f) Whether the subject's actions dictate the need for an immediate response and the use of control devices appears appropriate.

A verbal warning of the intended use of the device should precede its application, unless it would otherwise endanger the safety of officers or when it is not practicable due to the circumstances. The purpose of the warning is to give the individual a reasonable opportunity to voluntarily comply and to warn other officers and individuals that the device is being deployed.

Officers should keep in mind the manufacturer's recommendations and their training regarding effective distances and target areas. However, officers are not restricted solely to use according to manufacturer recommendations. Each situation must be evaluated on the totality of circumstances at the time of deployment.

The need to immediately incapacitate the subject must be weighed against the risk of causing serious injury or death. The head and neck should not be intentionally targeted, except when the officer reasonably believes the suspect poses an imminent threat of serious bodily injury or death to the officer or others.

#### 303.9.3 SAFETY PROCEDURES

Shotguns specifically designated for use with kinetic energy projectiles will be specially marked in a manner that makes them readily identifiable as such.

Officers will inspect the shotgun and projectiles at the beginning of each shift to ensure that the shotgun is in proper working order and the projectiles are of the approved type and appear to be free from defects.

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When it is not deployed, the shotgun will be unloaded and properly and securely stored in the vehicle. When deploying the kinetic energy projectile shotgun, the officer shall visually inspect the kinetic energy projectiles to ensure that conventional ammunition is not being loaded into the shotgun.

Absent compelling circumstances, officers who must transition from conventional ammunition to kinetic energy projectiles will employ the two-person rule for loading. The two-person rule is a safety measure in which a second officer watches the unloading and loading process to ensure that the weapon is completely emptied of conventional ammunition.

#### **303.10 TRAINING FOR CONTROL DEVICES**

The Police Chief shall ensure that all personnel who are authorized to carry a control device have been properly trained and certified to carry the specific control device and are retrained or recertified at least biennially..

- (a) Proficiency training shall be monitored and documented by a certified, control-device weapons or tactics instructor.
- (b) All training and proficiency for control devices will be documented in the officer's training file.
- (c) Officers who fail to demonstrate proficiency with the control device or knowledge of this agency's Use of Force Policy will be provided remedial training. If an officer cannot demonstrate proficiency with a control device or knowledge of this agency's Use of Force Policy after remedial training, the officer will be restricted from carrying the control device and may be subject to discipline.

#### **303.11 REPORTING USE OF CONTROL DEVICES AND TECHNIQUES**

Any application of a control device or technique listed in this policy shall be documented in the related incident report and reported pursuant to the Use of Force Policy.

## Conducted Energy Device

### 304.1 PURPOSE AND SCOPE

This policy provides guidelines for the issuance and use of the conducted energy device (CED).

### 304.2 POLICY

The TASER device is intended to control a violent or potentially violent individual, while minimizing the risk of serious injury. The appropriate use of such a device should result in fewer serious injuries to officers and suspects. Use of the TASER device will be limited to felony or misdemeanor offenses. The TASER device will not be used for minor misdemeanor offenses or minor misdemeanor traffic offenses.

### 304.3 ISSUANCE AND CARRYING TASER DEVICES

Only members who have successfully completed department-approved training may be issued and carry the TASER device.

All TASER devices must be inspected and certified safe by a department instructor before carrying the weapon. An annual inspection of all TASER devices will be conducted as well.

Officers shall only use the TASER device and cartridges that have been issued by the Department. Uniformed officers who have been issued the TASER device shall wear the device in an approved holster on their person.

Members carrying the TASER device should perform a spark test on the unit prior to every shift.

When carried while in uniform, officers shall carry the TASER device in a weak-side holster on the side opposite the duty weapon.

- (a) All TASER devices shall be clearly and distinctly marked to differentiate them from the duty weapon and any other device.
- (b) Whenever practicable, officers should carry two or more cartridges on their person when carrying the TASER device.
- (c) Officers shall be responsible for ensuring that their issued TASER device is properly maintained and in good working order.
- (d) Officers should not hold both a firearm and the TASER device and or a Pepper Ball Launcher at the same time.

### 304.4 VERBAL AND VISUAL WARNINGS

A verbal warning of the intended use of the CED should precede its application, unless it would otherwise endanger the safety of officers or when it is not practicable due to the circumstances. The purpose of the warning is to:

- (a) Provide the individual with a reasonable opportunity to voluntarily comply.
- (b) Provide other officers and individuals with a warning that the CED may be deployed.

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If, after a verbal warning, an individual fails to voluntarily comply with an officer's lawful orders and it appears both reasonable and feasible under the circumstances, the officer may, but is not required to, activate any warning on the device, which may include display of the electrical arc, an audible warning, or the laser in a further attempt to gain compliance prior to the application of the CED. The laser should not be intentionally directed into anyone's eyes.

The fact that a verbal or other warning was given or the reasons it was not given shall be documented by the officer deploying the CED in the related report.

#### **304.5 USE OF THE CED**

The CED has limitations and restrictions requiring consideration before its use. The CED should only be used when its operator can safely deploy the device within its operational range. Although the CED may be effective in controlling most individuals, officers should be aware that the device may not achieve the intended results and be prepared with other options.

If sufficient personnel are available and can be safely assigned, an officer designated as lethal cover for any officer deploying a CED may be considered for officer safety.

##### **304.5.1 APPLICATION OF THE CED**

The CED may be used when the circumstances reasonably perceived by the officer at the time indicate that such application reasonably appears necessary to control a person who:

- (a) Is violent or is physically resisting.
- (b) Has demonstrated, by words or action, an intention to be violent or to physically resist, and reasonably appears to present the potential to harm officers, themselves, or others.

Mere flight from a pursuing officer, without additional circumstances or factors, is not good cause for the use of the CED to apprehend an individual.

The CED shall not be used to psychologically torment, to elicit statements, or to punish any individual.

##### **304.5.2 SPECIAL DEPLOYMENT CONSIDERATIONS**

The use of the CED on certain individuals should generally be avoided unless the totality of the circumstances indicates that other available options reasonably appear ineffective or would present a greater danger to the officer, the subject, or others, and the officer reasonably believes that the need to control the individual outweighs the potential risk of using the device. This includes:

- (a) Individuals who are known to be pregnant.
- (b) Elderly individuals or obvious juveniles.
- (c) Individuals with obviously low body mass.
- (d) Individuals who are handcuffed or otherwise restrained.
- (e) Individuals known to have been recently sprayed with a flammable chemical agent or who are otherwise known to be in close proximity to any known combustible vapor or flammable material, including alcohol-based oleoresin capsicum (OC) spray.



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- (f) Individuals whose position or activity is likely to result in collateral injury (e.g., falls from height, located in water, operating vehicles).

Any CED capable of being applied in the drive-stun mode (i.e., direct contact without probes as a primary form of pain compliance) should be limited to supplementing the probe-mode to complete the circuit, or as a distraction technique to gain separation between officers and the subject, thereby giving officers time and distance to consider other force options or actions.

#### 304.5.3 TARGETING CONSIDERATIONS

Recognizing that the dynamics of a situation and movement of the subject may affect target placement of probes, when practicable, officers should attempt to target the back, lower center mass, and upper legs of the subject, and avoid intentionally targeting the head, neck, area of the heart, or genitals. If circumstances result in one or more probes inadvertently striking an area outside of the preferred target zones, the individual should be closely monitored until examined by paramedics or other medical personnel.

#### 304.5.4 MULTIPLE APPLICATIONS OF THE CED

Once an officer has successfully deployed two probes on the subject, the officer should continually assess the subject to determine if additional probe deployments or cycles reasonably appear necessary. Additional factors officers may consider include but are not limited to:

- (a) Whether it is reasonable to believe that the need to control the individual outweighs the potentially increased risk posed by multiple applications.
- (b) Whether the probes are making proper contact.
- (c) Whether the individual has the ability and has been given a reasonable opportunity to comply.
- (d) Whether verbal commands or other options or tactics may be more effective.

Given that on certain devices (e.g., TASER 10™) each trigger pull deploys a single probe, the officer must pull the trigger twice to deploy two probes to create the possibility of neuro-muscular incapacitation.

#### 304.5.5 ACTIONS FOLLOWING DEPLOYMENTS

Officers should take appropriate actions to control and restrain the individual as soon as reasonably practicable to minimize the need for longer or multiple exposures to the CED. As soon as practicable, officers shall notify a supervisor any time the CED has been discharged. If needed for evidentiary purposes, the expended cartridge, along with any probes and wire, should be submitted into evidence (including confetti tags, when equipped on the device). The evidence packaging should be marked "Biohazard" if the probes penetrated the subject's skin.

#### 304.5.6 DANGEROUS ANIMALS

The CED may be deployed against an animal if the animal reasonably appears to pose an imminent threat to human safety.

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##### 304.5.7 OFF-DUTY CONSIDERATIONS

Officers are not authorized to carry department CEDs while off-duty.

Officers shall ensure that CEDs are secured while in their homes, vehicles, or any other area under their control, in a manner that will keep the device inaccessible to others.

##### **304.6 DOCUMENTATION**

Officers shall document all CED discharges in the related arrest/crime reports and the CED report forms. Photographs should be taken of any obvious probe impact or drive-stun application sites and attached to the CED report form. Notification shall also be made to a supervisor in compliance with the Use of Force Policy. Unintentional discharges, pointing the device at a person, audible warning, laser activation, and arcing the device, other than for testing purposes, will also be documented on the report form. Data downloads from the CED after use on a subject should be done as soon as practicable using a department-approved process to preserve the data.

##### 304.6.1 CED REPORT FORM

As applicable based on the device type, items that shall be included in the CED report form are:

- (a) The brand, model, and serial number of the CED and any cartridge/magazine.
- (b) Date, time, and location of the incident.
- (c) Whether any warning, display, laser, or arc deterred a subject and gained compliance.
- (d) The number of probes deployed, CED activations, the duration of each cycle, the duration between activations, and (as best as can be determined) the duration that the subject received applications.
- (e) The range at which the CED was used.
- (f) The type of mode used (e.g., probe deployment, drive-stun).
- (g) Location of any probe impact.
- (h) Location of contact in drive-stun mode.
- (i) Description of where missed probes went.
- (j) Whether medical care was provided to the subject.
- (k) Whether the subject sustained any injuries.
- (l) Whether any officers sustained any injuries.

The Police Chief should periodically analyze the report forms to identify trends, including deterrence and effectiveness. The Police Chief should also conduct audits of CED device data downloaded to an approved location and reconcile CED report forms with recorded activations. CED information and statistics, with identifying information removed, should periodically be made available to the public.

##### 304.6.2 REPORTS

The officer should include the following in the arrest/crime report:

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- (a) Identification of all personnel firing CEDs
- (b) Identification of all witnesses
- (c) Medical care provided to the subject
- (d) Observations of the subject's physical and physiological actions
- (e) Any known or suspected drug use, intoxication, or other medical problems

#### **304.7 MEDICAL TREATMENT**

Consistent with local medical personnel protocols and absent extenuating circumstances, only appropriate medical personnel or officers trained in probe removal and handling should remove CED probes from a person's body. Used CED probes shall be treated as a sharps biohazard, similar to a used hypodermic needle, and handled appropriately. Universal precautions should be taken.

All persons who have been struck by CED probes, who have been subjected to the electric discharge of the device, or who sustained direct exposure of the laser to the eyes shall be medically assessed prior to booking. Additionally, any such individual who falls under any of the following categories should, as soon as practicable, be examined by paramedics or other qualified medical personnel:

- (a) The person is suspected of being under the influence of controlled substances and/or alcohol.
- (b) The person may be pregnant.
- (c) The person reasonably appears to be in need of medical attention.
- (d) The CED probes are lodged in a sensitive area (e.g., groin, female breast, head, face, neck).
- (e) The person requests medical treatment.

Any individual exhibiting signs of distress or who is exposed to multiple or prolonged applications shall be transported to a medical facility for examination or medically evaluated prior to booking. If any individual refuses medical attention, such a refusal should be witnessed by another officer and/or medical personnel and shall be fully documented in related reports. If an audio/video recording is made of the contact or an interview with the individual, any refusal should be included, if possible.

The transporting officer shall inform any person providing medical care or receiving custody that the individual has been subjected to the application of the CED (see the Medical Aid and Response Policy).

#### **304.8 SUPERVISOR RESPONSIBILITIES**

When possible, supervisors should respond to calls when they reasonably believe there is a likelihood the CED may be used. A supervisor should respond to all incidents where the CED was activated.

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A supervisor should review each incident where a person has been exposed to a CED. The device's internal logs should be downloaded by a supervisor or Rangemaster and saved with the related arrest/crime report. The supervisor should arrange for photographs of probe sites to be taken and witnesses to be interviewed.

#### **304.9 TRAINING**

Personnel who are authorized to carry the CED shall be permitted to do so only after successfully completing the initial department-approved training. Any personnel who have not carried the CED as a part of their assignments for a period of six months or more shall be recertified by a qualified CED instructor prior to again carrying or using the device.

Proficiency training for personnel who have been issued CEDs should occur every year. A reassessment of an officer's knowledge and/or practical skills may be required at any time, if deemed appropriate, by the Police Chief. All training and proficiency for CEDs will be documented in the officer's training files.

Command staff, supervisors, and investigators should receive CED training as appropriate for the investigations they conduct and review.

Officers who do not carry CEDs should receive training that is sufficient to familiarize them with the device and with working with officers who use the device.

The Police Chief is responsible for ensuring that all members who carry CEDs have received initial and annual proficiency training. Periodic audits should be used for verification.

Application of CEDs during training could result in injuries and should not be mandatory for certification.

The Police Chief should include the following training:

- (a) A review of this policy.
- (b) A review of the Use of Force Policy.
- (c) Performing weak-hand draws or cross-draws until proficient to reduce the possibility of unintentionally drawing and firing a firearm.
- (d) Target area considerations, to include techniques or options to reduce the unintentional application of probes to the head, neck, area of the heart, and groin.
- (e) Scenario-based training, including virtual reality training when available.
- (f) Handcuffing a subject during the application of the CED and transitioning to other force options.
- (g) De-escalation techniques.
- (h) Restraint techniques that do not impair respiration following the application of the CED.
- (i) Proper use of cover and concealment during deployment of the CED for purposes of officer safety.
- (j) Proper tactics and techniques related to multiple applications of CEDs.

## Officer-Involved Shootings and Deaths

### 305.1 PURPOSE AND SCOPE

The purpose of this policy is to establish policy and procedures for the investigation of an incident in which a person is injured or dies as the result of an officer-involved shooting or dies as a result of other action of an officer.

In other incidents not covered by this policy, the Chief of Police may decide that the investigation will follow the process provided in this policy.

### 305.2 POLICY

The policy of the Mount Healthy Police Department is to ensure that officer-involved shootings and deaths are investigated in a thorough, fair and impartial manner.

### 305.3 TYPES OF INVESTIGATIONS

Officer-involved shootings and deaths involve several separate investigations. The investigations may include:

- A criminal investigation of the suspect's actions.
- A criminal investigation of the involved officer's actions.
- An administrative investigation as to policy compliance by involved officers.
- A civil investigation to determine potential liability.

### 305.4 CONTROL OF INVESTIGATIONS

Investigators from surrounding agencies may be assigned to work on the criminal investigation of officer-involved shootings and deaths. This may include at least one investigator from the agency that employs the involved officer.

Jurisdiction is determined by the location of the shooting or death and the agency employing the involved officer. The following scenarios outline the jurisdictional responsibilities for investigating officer-involved shootings and deaths.

#### 305.4.1 CRIMINAL INVESTIGATION OF SUSPECT ACTIONS

The investigation of any possible criminal conduct by the suspect is controlled by the agency in whose jurisdiction the suspect's crime occurred. For example, the Mount Healthy Police Department would control the investigation if the suspect's crime occurred in Mt. Healthy.

If multiple crimes have been committed in multiple jurisdictions, identification of the agency that will control the investigation may be reached in the same way as with any other crime. The investigation may be conducted by the agency in control of the criminal investigation of the involved officer, at the discretion of the Chief of Police and with concurrence from the other agency.

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##### **305.4.2 CRIMINAL INVESTIGATION OF OFFICER ACTIONS**

The control of the criminal investigation into the involved officer's conduct during the incident will be determined by the employing agency's protocol. When an officer from this department is involved, the criminal investigation will be handled according to the Criminal Investigation section of this policy.

Requests made of this department to investigate a shooting or death involving an outside agency's officer shall be referred to the Chief of Police or the authorized designee for approval.

##### **305.4.3 ADMINISTRATIVE AND CIVIL INVESTIGATION**

Regardless of where the incident occurs, the administrative and civil investigation of each involved officer is controlled by the respective employing agency.

#### **305.5 INVESTIGATION PROCESS**

The following procedures are guidelines for use in the investigation of an officer-involved shooting or death.

##### **305.5.1 UNINVOLVED OFFICER RESPONSIBILITIES**

Upon arrival at the scene of an officer-involved shooting or death, the first uninvolved MHPD officer will be the officer-in-charge and will assume the responsibilities of a supervisor until properly relieved. This officer should, as appropriate:

- (a) Secure the scene and identify and eliminate hazards for all those involved.
- (b) Take reasonable steps to obtain emergency medical attention for injured individuals.
- (c) Request additional resources from the Department or other agencies.
- (d) Coordinate a perimeter or pursuit of suspects.
- (e) Check for injured persons and evacuate as needed.
- (f) Call the Chief of Police.
- (g) Begin a crime scene log.
- (h) Contact the Hamilton County Sheriff's Office.
- (i) Brief the supervisor upon arrival.

##### **305.5.2 SUPERVISOR RESPONSIBILITIES**

Upon arrival at the scene, the first uninvolved MHPD supervisor should ensure completion of the duties as outlined above, plus:

- (a) Attempt to obtain a brief overview of the situation from any uninvolved officers.
  1. In the event that there are no uninvolved officers who can supply adequate overview, the supervisor should attempt to obtain a brief voluntary overview from one involved officer.

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- (b) If necessary, the supervisor may administratively order any MHPD officer to immediately provide public safety information necessary to secure the scene, identify injured parties and pursue suspects.
  1. Public safety information shall be limited to such things as outstanding suspect information, number and direction of any shots fired, perimeter of the incident scene, identity of known or potential witnesses and any other pertinent information.
  2. The initial on-scene supervisor should not attempt to order any involved officer to provide any information other than public safety information.
- (c) Provide all available information to the Shift Supervisor and the Communications Center. If feasible, sensitive information should be communicated over secure networks.
- (d) Take command of and secure the incident scene with additional MHPD members until properly relieved by another supervisor or other assigned personnel or investigator.
- (e) As soon as practicable, ensure that involved officers are transported (separately, if feasible) to a suitable location for further direction.
  1. Each involved MHPD officer should be given an administrative order not to discuss the incident with other involved officers or MHPD members pending further direction from a supervisor.
  2. When an involved officer's weapon is taken or left at the scene for other than officer-safety reasons (e.g., evidence), ensure that he/she is provided with a comparable replacement weapon or transported by other officers.

#### 305.5.3 SHIFT SUPERVISOR RESPONSIBILITIES

Upon learning of an officer-involved shooting or death, the Shift Supervisor shall be responsible for coordinating all aspects of the incident until he/she is relieved by the Chief of Police or other person at the discretion of the Chief of Police.

All outside inquiries about the incident shall be directed to the Shift Supervisor.

#### 305.5.4 NOTIFICATIONS

The following persons shall be notified as soon as practicable:

- Chief of Police
- Mount Healthy Police personnel as directed by the Chief of Police
- 
- Outside agency investigators (as directed by the Chief of Police and/or Hamilton County Sheriff's Office)
- 
- City of Mount Healthy personnel as directed by the Chief of Police
-

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- Chaplain or peer support as determined by the Chief of Police
- Coroner (if necessary)
- Involved officer's agency representative (if requested)
- Public Information Officer (as determined by the Chief of Police)

#### 305.5.5 INVOLVED OFFICERS

The following shall be considered for the involved officer:

- (a) Any request for legal or union representation will be accommodated.
  1. Involved MHPD officers shall not be permitted to meet collectively or in a group with an attorney or any representative prior to providing a formal interview or report.
  2. Requests from involved non-MHPD officers should be referred to their employing agency.
- (b) Discussions with licensed attorneys will be considered privileged as attorney-client communications.
- (c) Discussions with agency representatives/employee groups will be privileged only as to the discussion of non-criminal information.
- (d) A licensed psychotherapist shall be provided by the Department to each involved MHPD officer. A licensed psychotherapist may also be provided to any other affected MHPD members, upon request.
  1. Interviews with a licensed psychotherapist will be considered privileged.
  2. An interview or session with a licensed psychotherapist may take place prior to the member providing a formal interview or report. However, involved members shall not be permitted to consult or meet collectively or in a group with a licensed psychotherapist prior to providing a formal interview or report.
  3. A separate fitness-for-duty exam may also be required (see the Fitness for Duty Policy).
- (e) Although the Department will honor the sensitivity of communications with peer counselors, there is no legal privilege to such communications. Peer counselors are cautioned against discussing the facts of any incident with an involved or witness officer.

Care should be taken to preserve the integrity of any physical evidence present on the involved officer's equipment or clothing, such as blood or fingerprints, until investigators or lab personnel can properly retrieve it.

Each involved MHPD officer shall be given reasonable paid administrative leave following an officer-involved shooting or death. It shall be the responsibility of the Shift Supervisor to make schedule adjustments to accommodate such leave.



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##### **305.6 CRIMINAL INVESTIGATION**

The County Prosecutor's Office is responsible for the criminal investigation into the circumstances of any officer-involved shooting or death.

If available, investigative personnel from this department may be assigned to partner with investigators from outside agencies or the County Prosecutor's Office to avoid duplicating efforts in related criminal investigations.

Once public safety issues have been addressed, criminal investigators should be given the opportunity to obtain a voluntary statement from involved officers and to complete their interviews. The following shall be considered for the involved officer:

- (a) MHPD supervisors and Police Chief personnel should not participate directly in any voluntary interview of MHPD officers. This will not prohibit such personnel from monitoring interviews or providing the criminal investigators with topics for inquiry.
- (b) If requested, any involved officer will be afforded the opportunity to consult individually with a representative of his/her choosing or an attorney prior to speaking with criminal investigators. However, in order to maintain the integrity of each involved officer's statement, involved officers shall not consult or meet with a representative or an attorney collectively or in groups prior to being interviewed.
- (c) If any involved officer is physically, emotionally or otherwise not in a position to provide a voluntary statement when interviewed by criminal investigators, consideration should be given to allowing a reasonable period for the officer to schedule an alternate time for the interview.
- (d) Any voluntary statement provided by an involved officer will be made available for inclusion in any related investigation, including administrative investigations. However, no administratively coerced statement will be provided to any criminal investigators unless the officer consents.

##### **305.6.1 REPORTS BY INVOLVED MHPD OFFICERS**

In the event that suspects remain outstanding or subject to prosecution for related offenses, this department shall retain the authority to require involved MHPD officers to provide sufficient information for related criminal reports to facilitate the apprehension and prosecution of those individuals.

While the involved MHPD officer may write the report, it is generally recommended that such reports be completed by assigned investigators, who should interview all involved officers as victims/witnesses. Since the purpose of these reports will be to facilitate criminal prosecution, statements of involved officers should focus on evidence to establish the elements of criminal activities by suspects. Care should be taken not to duplicate information provided by involved officers in other reports.

Nothing in this section shall be construed to deprive an involved MHPD officer of the right to consult with legal counsel prior to completing any such criminal report.

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Reports related to the prosecution of criminal suspects will be processed according to normal procedures but should also be included for reference in the investigation of the officer-involved shooting or death.

#### 305.6.2 WITNESS IDENTIFICATION AND INTERVIEWS

Because potential witnesses to an officer-involved shooting or death may become unavailable or the integrity of their statements compromised with the passage of time, a supervisor should take reasonable steps to promptly coordinate with criminal investigators to utilize available law enforcement personnel for the following:

- (a) Identification of all persons present at the scene and in the immediate area.
  1. When feasible, a recorded statement should be obtained from those persons who claim not to have witnessed the incident but who were present at the time it occurred.
  2. Any potential witness who is unwilling or unable to remain available for a formal interview should not be detained absent reasonable suspicion to detain or probable cause to arrest. Without detaining the individual for the sole purpose of identification, attempts to identify the witness prior to his/her departure should be made whenever feasible.
- (b) Witnesses who are willing to provide a formal interview should be asked to meet at a suitable location where criminal investigators may obtain a recorded statement. Such witnesses, if willing, may be transported by a member of the Department.
  1. A written, verbal or recorded statement of consent should be obtained prior to transporting a witness. When the witness is a minor, consent should be obtained from the parent or guardian, if available, prior to transportation.
- (c) Promptly contacting the suspect's known family and associates to obtain any available and untainted background information about the suspect's activities and state of mind prior to the incident.

#### 305.6.3 INVESTIGATIVE PERSONNEL

Once notified of an officer-involved shooting or death, it shall be the responsibility of the designated Investigation Section supervisor to assign appropriate investigative personnel to handle the investigation of related crimes. Department investigators will be assigned to work with investigators from the Hamilton County Sheriff's Office and may be assigned to separately handle the investigation of any related crimes not being investigated by the Hamilton County Sheriff's Office.

All related department reports, except administrative and/or privileged reports, will be forwarded to the designated Investigation Section supervisor for approval. Privileged reports shall be maintained exclusively by members who are authorized such access. Administrative reports will be forwarded to personnel as designated by the Chief of Police.

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#### **305.7 ADMINISTRATIVE INVESTIGATION**

In addition to all other investigations associated with an officer-involved shooting or death, this department will conduct an internal administrative investigation of involved MHPD officers to determine conformance with department policy. This investigation will be conducted under the supervision of the Police Chief and will be considered a confidential officer personnel file.

Interviews of members shall be subject to department policies and applicable laws.

- (a) Any officer involved in a shooting or death may be requested or administratively compelled to provide a blood sample for alcohol/drug screening. Absent consent from the officer, such compelled samples and the results of any such testing shall not be disclosed to any criminal investigative agency.
- (b) If any officer has voluntarily elected to provide a statement to criminal investigators, the assigned administrative investigator should review that statement before proceeding with any further interview of that involved officer.
  - 1. If a further interview of the officer is deemed necessary to determine policy compliance, care should be taken to limit the inquiry to new areas with minimal, if any, duplication of questions addressed in the voluntary statement. The involved officer shall be provided with a copy of his/her prior statement before proceeding with any subsequent interviews.
- (c) In the event that an involved officer has elected not to provide criminal investigators with a voluntary statement, the assigned administrative investigator shall conduct an administrative interview to determine all relevant information.
  - 1. Although this interview should not be unreasonably delayed, care should be taken to ensure that the officer's physical and psychological needs have been addressed before commencing the interview.
  - 2. If requested, the officer shall have the opportunity to select an uninvolved representative to be present during the interview. However, in order to maintain the integrity of each individual officer's statement, involved officers shall not consult or meet with a representative collectively or in groups prior to being interviewed.
  - 3. Administrative interviews should be recorded by the investigator. The officer may also record the interview.
  - 4. The officer shall be informed of the nature of the investigation. If an officer refuses to answer questions, he/she should be given his/her *Garrity* rights and ordered to provide full and truthful answers to all questions. The officer shall be informed that the interview will be for administrative purposes only and that the statement cannot be used criminally.
  - 5. The Police Chief shall compile all relevant information and reports necessary for the Department to determine compliance with applicable policies.
  - 6. Regardless of whether the use of force is an issue in the case, the completed administrative investigation shall be submitted to the Use of Force Review Board, which will restrict its findings as to whether there was compliance with the Use of Force Policy.

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7. Any other indications of potential policy violations shall be determined in accordance with standard disciplinary procedures.

#### **305.8 CIVIL LIABILITY RESPONSE**

A member of this department may be assigned to work exclusively under the direction of the legal counsel for the Department to assist in the preparation of materials deemed necessary in anticipation of potential civil litigation.

All materials generated in this capacity shall be considered attorney work product and may not be used for any other purpose. The civil liability response is not intended to interfere with any other investigation but shall be given reasonable access to all other investigations.

#### **305.9 AUDIO AND VIDEO RECORDINGS**

Any officer involved in a shooting or death may be permitted to review available Mobile Audio/Video (MAV), body-worn video, or other video or audio recordings prior to providing a recorded statement or completing reports.

Upon request, non-law enforcement witnesses who are able to verify their presence and their ability to contemporaneously perceive events at the scene of an incident may also be permitted to review available MAV, body-worn video, or other video or audio recordings with the approval of assigned investigators or a supervisor.

Any MAV, body-worn and other known video or audio recordings of an incident should not be publicly released during an ongoing investigation without consulting the prosecuting attorney or City Attorney's Office, as appropriate.

#### **305.10 DEBRIEFING**

Following an officer-involved shooting or death, the Mount Healthy Police Department should conduct both a Critical Incident Stress Debriefing and a tactical debriefing. See the Wellness Program Policy for guidance on Critical Incident Stress Debriefings.

##### **305.10.1 CRITICAL INCIDENT/STRESS DEBRIEFING**

A critical incident/stress debriefing should occur as soon as practicable. The Administration Sergeant is responsible for organizing the debriefing. Notes and recorded statements should not be taken because the sole purpose of the debriefing is to help mitigate the stress-related effects of a traumatic event.

The debriefing is not part of any investigative process. Care should be taken not to release or repeat any communication made during a debriefing unless otherwise authorized by policy, law or a valid court order (ORC § 2317.02).

Attendance at the debriefing shall only include those members of the Department directly involved in the incident, which can include support personnel (e.g., dispatchers, other non-sworn). Family or other support personnel may attend with the concurrence of those involved in the incident. The debriefing shall be closed to the public and should be closed to all other members of the Department, including supervisory and Police Chief personnel.

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##### **305.10.2 TACTICAL DEBRIEFING**

A tactical debriefing should take place to identify any training or areas of policy that need improvement. The Chief of Police should identify the appropriate participants. This debriefing should not be conducted until all involved members have provided recorded or formal statements to criminal and/or administrative investigators.

##### **305.11 MEDIA RELATIONS**

Any media release shall be prepared with input and concurrence from the Chief of Police and department representative responsible for each phase of the investigation. Releases will be available to the Shift Supervisor, Investigation Sergeant and Public Information Officer in the event of inquiries from the media.

No involved MHPD officer shall make any comment to the media unless he/she is authorized by the Chief of Police or a Sergeant.

Department members receiving inquiries regarding officer-involved shootings or deaths occurring in other jurisdictions shall refrain from public comment and will direct those inquiries to the agency having jurisdiction and primary responsibility for the investigation.

## Firearms

### 306.1 PURPOSE AND SCOPE

This policy provides guidelines for issuing firearms, the safe and legal carrying of firearms, firearms maintenance and firearms training.

This policy does not apply to issues related to the use of firearms that are addressed in the Use of Force or Officer-Involved Shootings and Deaths policies.

This policy only applies to those members who are authorized to carry firearms.

#### 306.1.1 AUTHORIZATION TO CARRY FIREARMS

Only sworn personnel who have met all state standards and have been authorized by the Chief of Police shall have the peace officer privilege to carry a firearm both on- and off-duty.

### 306.2 POLICY

The Mount Healthy Police Department will equip its members with firearms to address the risks posed to the public and department members by violent and sometimes well-armed persons. The Department will ensure firearms are appropriate and in good working order and that relevant training is provided as resources allow.

### 306.3 AUTHORIZED FIREARMS, AMMUNITION AND OTHER WEAPONS

Members shall only use firearms that are issued or approved by the Department and have been thoroughly inspected by the Rangemaster. Except in an emergency or as directed by a supervisor, no firearm shall be carried by a member who has not qualified with that firearm at an authorized department range within the current or previous calendar year.

The Department Rangemaster shall maintain a record of each weapon approved by the agency for official use.

All other weapons not provided by the Department, including, but not limited to, edged weapons, chemical or electronic weapons, impact weapons or any weapon prohibited or restricted by law or that is not covered elsewhere by department policy, may not be carried by members in the performance of their official duties without the express written authorization of the Chief of Police. This exclusion does not apply to the carrying of a single folding pocketknife that is not otherwise prohibited by law.

All agency personnel authorized to carry lethal and less lethal weapons shall receive all use of force policies and related instruction before authorization to carry a weapon. [Policy](#) receipt and curriculum delivery must be documented.

A complete record of all weapons shall be maintained by the Department. For firearms, the record should list the following:

- (a) Type,
- (b) Description,

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- (c) Identifying model,
- (d) Serial numbers
- (e) Identity of the owner or assignee
- (f) Name of official making the approval
- (g) Date of approval
- (h) The course fired
- (i) All scores used to qualify the user on the demonstration of proficiency.

#### 306.3.1 HANDGUNS

The authorized Department-issued handgun is the Glock 9mm, models 17 and 19 Modular Optic System (MOS). The Chief of Police may authorize an alternative handgun if in the Police Department's supply.

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#### 306.3.2 SHOTGUNS

The authorized department-issued shotgun is the Remington 870P 12 gauge. The following additional shotguns are approved for on-duty use:

MAKE	MODEL	CALIBER
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When not deployed, the shotgun shall be properly secured consistent with department training in a locked weapons rack in the patrol vehicle.

#### 306.3.3 PATROL RIFLES

The authorized department-issued patrol rifle is the Smith and Wesson M&P-15.

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Members may deploy the patrol rifle in any circumstance where the member can articulate a reasonable expectation that the rifle may be needed. Examples of some general guidelines for deploying the patrol rifle may include, but are not limited to:

- (a) Situations where the member reasonably anticipates an armed encounter.
- (b) When a member is faced with a situation that may require accurate and effective fire at long range.
- (c) Situations where a member reasonably expects the need to meet or exceed a suspect's firepower.
- (d) When a member reasonably believes that there may be a need to fire on a barricaded person or a person with a hostage.
- (e) When a member reasonably believes that a suspect may be wearing body armor.
- (f) When authorized or requested by a supervisor.
- (g) When needed to euthanize an animal.

When not deployed, the patrol rifle shall be properly secured consistent with department training in a locking weapons rack in the patrol vehicle.

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##### 306.3.4 AUTHORIZED OFF-DUTY FIREARMS

The carrying of firearms by members while off-duty is permitted by the Chief of Police but may be rescinded should circumstances dictate (e.g., administrative leave). Members who choose to carry a firearm while off-duty, based on their authority as peace officers, will be required to meet the following guidelines:

- (a) A personally owned firearm shall be used, carried and inspected in accordance with the Personally Owned Duty Firearms requirements in this policy.
  - 1. The purchase of the personally owned firearm and ammunition shall be the responsibility of the member.
- (b) The firearm shall be carried concealed at all times and in such a manner as to prevent unintentional cocking, discharge or loss of physical control.
- (c) It will be the responsibility of the member to submit the firearm to the Rangemaster for inspection prior to being personally carried. Thereafter the firearm shall be subject to periodic inspection by the Rangemaster.
- (d) Prior to carrying any off-duty firearm, the member shall demonstrate to the Rangemaster that he/she is proficient in handling and firing the firearm and that it will be carried in a safe manner.
- (e) The member will successfully qualify with the firearm prior to it being carried.
- (f) Members shall provide written notice of the make, model, color, serial number and caliber of the firearm to the Rangemaster, who will maintain a list of the information.
- (g) If a member desires to use more than one firearm while off-duty, he/she may do so, as long as all requirements set forth in this policy for each firearm are met.
- (h) Members shall only carry department-authorized ammunition.
- (i) When armed, officers shall carry their badges and Mount Healthy Police Department identification cards under circumstances requiring possession of such identification.
- (j) Officers may carry a firearm in any school safety zone with proper authorization from the Chief of Police (ORC § 2923.122).
- (k) Off-duty members shall not carry firearms in establishments for which a "D" liquor permit has been issued and alcohol is being consumed by any person, unless authorized by the Chief of Police (ORC § 2923.121).

##### 306.3.5 AMMUNITION

Members shall carry only department-authorized ammunition. Members shall be issued fresh duty ammunition in the specified quantity for all department-issued firearms during the member's firearms qualification. Replacements for unserviceable or depleted ammunition issued by the Department shall be dispensed by the Rangemaster when needed, in accordance with established policy.

The authorized Department issued ammunition for each firearm are as follows:

**Handguns:** Winchester 9mm+P 124 grain bonded jacket hollow point.



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**Shotguns:** Winchester Ranger, 12 gauge, 2 3/4 inch 1145 velocity, 9 pellet, OO shot.

**Patrol Rifles:** Hornady Tap Urban.223, 55 grain

Members carrying personally owned authorized firearms of a caliber differing from department-issued firearms shall be responsible for obtaining fresh duty ammunition in accordance with the above, at their own expense.

#### 306.3.6 AUTHORIZED CARRY IN COURT FACILITIES

Carrying of a firearm by officers into courtrooms or court buildings is subject to local court security rules and shall only be permitted while the officer is acting within the scope of his/her duties (as determined by the Chief of Police) (ORC § 2923.123).

#### 306.3.7 ELECTRONIC CONTROL DEVICE

The authorized Department issued Electronic Control Device is the Taser 7.

#### 306.3.8 EXPANDABLE BATON

The authorized Department issued Baton is the ASP 21" Expandable Baton and Galls 21" Sentry Expandable Baton. Semiannual inspections of expandable batons will be conducted by the assigned squad sergeant in January and July each calendar year. A checklist will be used to document the inspection. Employees shall report any problems with the expandable baton to their assigned squad sergeant.

#### 306.3.9 CHEMICAL IRRITANT

The authorized Department issued chemical irritant is First Defense MK3 Police Size.2 Percent Pepper Spray. Semiannual inspections of chemical irritant will be conducted by the assigned squad sergeant in January and July each calendar year. Employees shall report any problems with the chemical irritant to their assigned squad sergeant.

### 306.4 EQUIPMENT

Firearms carried on- or off-duty shall be maintained in a clean, serviceable condition. Maintenance and repair of authorized personally owned firearms are the responsibility of the individual member.

#### 306.4.1 REPAIRS OR MODIFICATIONS

Each member shall be responsible for promptly reporting any damage or malfunction of an assigned firearm to a supervisor or the Rangemaster.

Firearms that are the property of the Department or personally owned firearms that are approved for department use may be repaired or modified only by a person who is department-approved and certified as an armorer or gunsmith in the repair of the specific firearm. Such modification or repair must be authorized in advance by the Rangemaster.

Any repairs or modifications to the member's personally owned firearm shall be done at his/her expense and must be approved by the Rangemaster.

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##### 306.4.2 HOLSTERS

Only department-approved holsters shall be used and worn by members. Members shall periodically inspect their holsters to make sure they are serviceable and provide the proper security and retention of the handgun.

##### 306.4.3 TACTICAL LIGHTS

Tactical lights may only be installed on a firearm carried on- or off-duty after they have been examined and approved by the Rangemaster. Once the approved tactical lights have been properly installed on any firearm, the member shall qualify with the firearm to ensure proper functionality and sighting of the firearm prior to carrying it.

##### 306.4.4 OPTICS OR LASER SIGHTS

Optics or laser sights may only be installed on a firearm carried on- or off-duty after they have been examined and approved by the Rangemaster. Any approved sight shall only be installed in strict accordance with manufacturer specifications. Once approved sights have been properly installed on any firearm, the member shall qualify with the firearm to ensure proper functionality and sighting of the firearm prior to carrying it.

Except in an approved training situation, a member may only sight in on a target when the member would otherwise be justified in pointing a firearm at the target.

#### **306.5 SAFE HANDLING, INSPECTION AND STORAGE**

Members shall maintain the highest level of safety when handling firearms and shall consider the following:

- (a) Members shall not unnecessarily display or handle any firearm.
- (b) Members shall be governed by all rules and regulations pertaining to the use of the range and shall obey all orders issued by the Rangemaster. Members shall not dry fire or practice quick draws except as instructed by the Rangemaster or other firearms training staff.
- (c) Members shall not clean, repair, load or unload a firearm anywhere in the Department, except where clearing barrels are present.
- (d) Shotguns or rifles removed from vehicles or the equipment storage room shall be loaded and unloaded in the parking lot and outside of the vehicle, using clearing barrels.
- (e) Members shall not place or store any firearm or other weapon on department premises except where the place of storage is locked. No one shall carry firearms into the jail section or any part thereof when securing or processing an arrestee, but shall place all firearms in a secured location. Members providing access to the jail section to persons from outside agencies are responsible for ensuring firearms are not brought into the jail section.
- (f) Members shall not use any automatic firearm, heavy caliber rifle, gas or other type of chemical weapon or firearm from the armory, except with approval of a supervisor.

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- (g) Any firearm authorized by the Department to be carried on- or off-duty that is determined by a member to be malfunctioning or in need of service or repair shall not be carried. It shall be promptly presented to the Department or a Rangemaster approved by the Department for inspection and repair. Any firearm deemed in need of repair or service by the Rangemaster will be immediately removed from service. If the firearm is the member's primary duty firearm, a replacement firearm will be issued to the member until the duty firearm is serviceable.

#### 306.5.1 INSPECTION AND STORAGE

Before any weapon is placed into service, an inspection by the Department weapons instructor or armorer must be completed.

Handguns shall be inspected regularly and upon access or possession by another person. Shotguns and rifles shall be inspected at the beginning of the shift by the member to whom the weapon is issued. The member shall ensure that the firearm is carried in the proper condition and loaded with approved ammunition. Inspection of the shotgun and rifle shall be done while standing outside of the patrol vehicle. All firearms shall be pointed in a safe direction or into clearing barrels.

On- and off-duty firearms may be safely stored in locked lockers. Handguns may remain loaded if they are secured in an appropriate holster. Shotguns and rifles shall be unloaded in a safe manner outside the building and then stored in the appropriate equipment storage room.

#### 306.5.2 STORAGE AT HOME

Members shall ensure that all firearms and ammunition are locked and secured while in their homes, vehicles or any other area under their control, and in a manner that will keep them inaccessible to children and others who should not have access. Members shall not permit department-issued firearms to be handled by anyone not authorized by the Department to do so. Members should be aware that negligent storage of a firearm could result in civil liability.

#### 306.5.3 ALCOHOL AND DRUGS

Firearms shall not be carried by any member, either on- or off-duty, who has consumed an amount of an alcoholic beverage, taken any drugs or medication, or has taken any combination thereof that would tend to adversely affect the member's senses or judgment (ORC § 2923.15).

### **306.6 FIREARMS TRAINING AND QUALIFICATIONS**

All members who carry a firearm while on-duty are required to successfully complete training quarterly with their duty firearms. In addition to quarterly training, all members will qualify at least annually with their duty firearms on a course approved by the Ohio Peace Officer Training Commission (POTC) (ORC § 109.801). Members will qualify with off-duty and secondary firearms at least twice a year. Training and qualifications must be on an approved range course.

At least annually, all members carrying a firearm should receive practical training designed to simulate field situations including low-light shooting.

Instructors conducting firearms qualifications are required to have the approval of the POTC director as well as certification issued by the POTC (OAC § 109:2-13-04).

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##### **306.6.1 NON-CERTIFICATION OR NON-QUALIFICATION**

If any member fails to meet minimum standards for firearms training or qualification for any reason, including injury, illness, duty status or scheduling conflict, that member shall submit a memorandum to his/her immediate supervisor prior to the end of the required training or qualification period.

Those who fail to meet minimum standards or qualify on their first shooting attempt shall be provided remedial training and will be subject to the following requirements:

- (a) Additional range assignments may be scheduled to assist the member in demonstrating consistent firearm proficiency.
- (b) Members shall be given credit for a range training or qualification when obtaining a qualifying score or meeting standards after remedial training.
- (c) No range credit will be given for the following:
  - 1. Unauthorized range make-up
  - 2. Failure to meet minimum standards or qualify after remedial training

Members who repeatedly fail to meet minimum standards will be removed from field assignment and may be subject to disciplinary action. In addition, the member may not carry a firearm until qualification is achieved (ORC § 109.801).

##### **306.7 FIREARM DISCHARGE**

Except during training or recreational use, any member who discharges a firearm intentionally or unintentionally, on- or off-duty, shall make a verbal report to his/her supervisor as soon as circumstances permit. If the discharge results in injury or death to another person, additional statements and reports shall be made in accordance with the Officer-Involved Shootings and Deaths Policy. If a firearm was discharged as a use of force, the involved member shall adhere to the additional reporting requirements set forth in the Use of Force Policy.

In all other cases, written reports shall be made as follows:

- (a) If on-duty at the time of the incident, the member shall file a written report with his/her Sergeant or provide a recorded statement to investigators prior to the end of shift, unless otherwise directed.
- (b) If off-duty at the time of the incident, a written report shall be submitted or recorded statement provided no later than the end of the next regularly scheduled shift, unless otherwise directed by a supervisor.

##### **306.7.1 DESTRUCTION OF ANIMALS**

Members are authorized to use firearms to stop an animal in circumstances where the animal reasonably appears to pose an imminent threat to human safety and alternative methods are not reasonably available or would likely be ineffective.

In circumstances where there is sufficient advance notice that a potentially dangerous animal may be encountered, department members should develop reasonable contingency plans for

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dealing with the animal (e.g., fire extinguisher, conducted energy device, oleoresin capsicum (OC) spray, animal control officer). Nothing in this policy shall prohibit any member from shooting a dangerous animal if circumstances reasonably dictate that a contingency plan has failed, becomes impractical, or if the animal reasonably appears to pose an imminent threat to human safety.

#### **306.7.2 INJURED ANIMALS**

With the approval of a supervisor, a member may euthanize an animal that is so badly injured that human compassion requires its removal from further suffering and where other dispositions are impractical.

#### **306.7.3 WARNING AND OTHER SHOTS**

1. An officer is never justified in discharging a firearm as a warning shot, therefore warning shots are strictly prohibited.
2. Officers are prohibited from discharging firearms when it appears likely that an innocent person may be injured.
3. Officers shall not discharge a firearm at or from a moving vehicle except if deadly force would be justified.

#### **306.8 RANGEMASTER DUTIES**

The range will be under the exclusive control of the Rangemaster. All members attending will follow the directions of the Rangemaster. The Rangemaster will maintain a roster of all members attending the range and will submit the roster to the Police Chief after each range date. Failure of any member to sign in and out with the Rangemaster may result in non-participation or non-qualification.

The range shall remain operational and accessible to department members during hours established by the Department.

The Rangemaster has the responsibility of making periodic inspection, at least once a year, of all duty firearms carried by members of this department to verify proper operation. The Rangemaster has the authority to deem any department-issued or personally owned firearm unfit for service. The member will be responsible for all repairs to his/her personal firearm; it will not be returned to service until it has been inspected and approved by the Rangemaster.

The Rangemaster has the responsibility for ensuring each member meets the minimum requirements during training shoots and, on at least a yearly basis, can demonstrate proficiency in the care, cleaning and safety of all firearms the member is authorized to carry.

The Rangemaster shall complete and submit to the Police Chief documentation of the training courses provided. Documentation shall include the qualifications of each instructor who provides the training, a description of the training provided and, on a form that has been approved by the Department, a list of each member who completes the training. The Rangemaster should keep accurate records of all training shoots, qualifications, repairs, maintenance or other records as directed by the Police Chief.

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#### **306.9 FLYING WHILE ARMED**

The Transportation Security Administration (TSA) has imposed rules governing law enforcement officers flying armed on commercial aircraft. The following requirements apply to officers who intend to be armed while flying on a commercial air carrier or flights where screening is conducted (49 CFR 1544.219):

- (a) Officers wishing to fly while armed must be flying in an official capacity, not for vacation or pleasure, and must have a need to have the firearm accessible, as determined by the Department based on the law and published TSA rules.
- (b) Officers must carry their Mount Healthy Police Department identification card, bearing the officer's name, a full-face photograph, identification number, the officer's signature and the signature of the Chief of Police or the official seal of the Department and must present this identification to airline officials when requested. The officer should also carry the standard photo identification needed for passenger screening by airline and TSA officials (e.g., driver license, passport).
- (c) The Mount Healthy Police Department must submit a National Law Enforcement Telecommunications System (NLETS) message prior to the officer's travel. If approved, TSA will send the Mount Healthy Police Department an NLETS message containing a unique alphanumeric identifier. The officer must present the message on the day of travel to airport personnel as authorization to travel while armed.
- (d) An official letter signed by the Chief of Police authorizing armed travel may also accompany the officer. The letter should outline the officer's need to fly armed, detail his/her itinerary, and include that the officer has completed the mandatory TSA training for a law enforcement officer flying while armed.
- (e) Officers must have completed the mandated TSA security training covering officers flying while armed. The training shall be given by the department-appointed instructor.
- (f) It is the officer's responsibility to notify the air carrier in advance of the intended armed travel. This notification should be accomplished by early check-in at the carrier's check-in counter.
- (g) Any officer flying while armed should discreetly contact the flight crew prior to take-off and notify them of his/her assigned seat.
- (h) Discretion must be used to avoid alarming passengers or crew by displaying a firearm. The officer must keep the firearm concealed on his/her person at all times. Firearms are not permitted in carry-on luggage and may not be stored in an overhead compartment.
- (i) Officers should try to resolve any problems associated with flying armed through the flight captain, ground security manager, TSA representative or other management representative of the air carrier.
- (j) Officers shall not consume alcoholic beverages while aboard an aircraft, or within eight hours prior to boarding an aircraft.

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#### **306.10 CARRYING FIREARMS OUT OF STATE**

Qualified, active, full-time officers of this department are authorized to carry a concealed firearm in all other states subject to the following conditions (18 USC § 926B):

- (a) The officer shall carry the officer's Mount Healthy Police Department identification card whenever carrying such firearm.
- (b) The officer is not the subject of any current disciplinary action.
- (c) The officer may not be under the influence of alcohol or any other intoxicating or hallucinatory drug.
- (d) The officer will remain subject to this and all other department policies (including qualifying and training).

Officers are cautioned that individual states may enact local regulations that permit private persons or entities to prohibit or restrict the possession of concealed firearms on their property, or that prohibit or restrict the possession of firearms on any state or local government property, installation, building, base, or park. Federal authority may not shield an officer from arrest and prosecution in such locally restricted areas.

Active law enforcement officers from other states are subject to all requirements set forth in 18 USC § 926B.

## Vehicle Pursuits

### 307.1 PURPOSE AND SCOPE

Vehicle pursuits expose innocent citizens, law enforcement officers and fleeing violators to the risk of serious injury or death. The primary purpose of this policy is to provide officers with guidance in balancing the safety of the public and themselves against law enforcement's duty to apprehend violators of the law. Another purpose of this policy is to minimize the potential for pursuit-related collisions. Vehicle pursuits require officers to exhibit a high degree of common sense and sound judgment. Officers must not forget that the immediate apprehension of a suspect is generally not more important than the safety of the public and pursuing officers (ORC § 2935.031). Mount Healthy Officers are not permitted to initiate or participate in vehicle pursuits of misdemeanor offenses or non-violent felony offenses. Officers may aid and or assist any agency in the apprehension of individuals fleeing on foot upon termination of the vehicle pursuit regardless of the criminal classification of the crime.

#### 307.1.1 PHILOSOPHY

Deciding whether to pursue a motor vehicle is a critical decision that must be made quickly and under difficult and unpredictable circumstances. In recognizing the risk to public safety created by vehicle pursuits, no officer or supervisor shall be criticized or disciplined for deciding not to engage in a vehicle pursuit due to the risk involved. This includes circumstances where Department policy would permit the initiation or continuation of the pursuit. It is recognized that vehicle pursuits are not always predictable and decisions made pursuant to this policy will be evaluated according to the totality of the circumstances reasonably available at the time of the pursuit.

Officers must remember that the most important factors to the successful conclusion of a pursuit are proper self-discipline and sound professional judgment. Officers conduct during the course of a pursuit must be objectively reasonable; that is, what a reasonable officer would do under the circumstances. An individual's unreasonable desire to apprehend a fleeing suspect at all costs has no place in professional law enforcement.

### 307.2 DEFINITIONS

Definitions related to this policy include:

**Vehicle Pursuit** - An attempt by a law enforcement officer operating an emergency vehicle and simultaneously utilizing lights and siren to apprehend an occupant(s) of another moving vehicle, when the driver of the fleeing vehicle is aware of the attempt and is resisting apprehension by maintaining or increasing speed, disobeying traffic laws, ignoring or attempting to elude the officer.

**Blocking or Vehicle Intercept** - A slow-speed coordinated maneuver where two or more law enforcement vehicles simultaneously intercept and block the movement of a suspect vehicle, the driver of which may be unaware of the impending enforcement stop. The goal is containment and preventing a pursuit. Blocking is not a moving or stationary road block.



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**Boxing In** - A tactic designed to stop a violator's vehicle by surrounding it with law enforcement vehicles and then slowing all vehicles to a stop.

**Pursuit Intervention Technique (PIT)** - A low-speed maneuver intended to terminate the pursuit by causing the violator's vehicle to spin out and come to a stop.

**Ramming** - The deliberate act of impacting a violator's vehicle with another vehicle to functionally damage or otherwise force the violator's vehicle to stop.

**Roadblocks** - A tactic designed to stop a violator's vehicle by intentionally placing a vehicle or other immovable object in the path of the violator's vehicle.

**Tire Deflation Device, Spikes or Tack Strips** - A device that extends across the roadway and is designed to puncture the tires of the pursued vehicle.

### **307.3 OFFICER RESPONSIBILITIES**

It is the policy of this department that a vehicle pursuit shall be conducted with allred and blue flashing, rotating or oscillating light, visible under normal atmospheric conditions from a distance of 500 feet to the front of, and a siren activated on an authorized emergency vehicle (ORC § 4513.21, ORC § 4511.01(D) and ORC § 4511.041).

The following policy is established to provide officers with guidelines for driving with due regard and caution for the safety of all persons using the highway.

#### **307.3.1 WHEN TO INITIATE A PURSUIT**

Officers are authorized to initiate a pursuit when it is reasonable to believe that a suspect is attempting to evade arrest or detention by fleeing in a vehicle that has been given a signal to stop by a peace officer (ORC § 2921.331(B)). Officers may only initiate or assist in a pursuit when the suspected crime is a violent felony offense.

The following factors individually and collectively shall be considered in deciding whether to initiate or continue a pursuit:

- (a) The seriousness of the known or reasonably suspected crime and its relationship to community safety.
- (b) The importance of protecting the public and balancing the known or reasonably suspected offense and the apparent need for immediate capture against the risks to officers, innocent motorists and others.
- (c) The apparent nature of the fleeing suspect (e.g., whether the suspect represents a serious threat to public safety).
- (d) The identity of the suspect has been verified and there is comparatively minimal risk in allowing the suspect to be apprehended at a later time.
- (e) The safety of the public in the area of the pursuit, including the type of area, time of day, the amount of vehicular and pedestrian traffic (e.g., school zones) and the speed of the pursuit relative to these factors.

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- (f) The pursuing officer's familiarity with the area of the pursuit, the quality of radio communication between the pursuing units and the dispatcher/supervisor, and the driving capabilities of the pursuing officers under the conditions of the pursuit.
- (g) The weather, traffic and road conditions that unreasonably increase the danger of the pursuit when weighed against the risks resulting from the suspect's escape.
- (h) The performance capabilities of the vehicles used in the pursuit in relation to the speed and other conditions of the pursuit.
- (i) Vehicle speeds.
- (j) Other persons in or on the pursued vehicle (e.g., passengers, co-offenders and hostages).
- (k) The availability of other resources, such as aircraft assistance.
- (l) The police unit is carrying passengers other than on-duty police officers. Pursuits shall not be undertaken with a prisoner or passenger (other than civilian rider) in the pursuit vehicle.

#### 307.3.2 WHEN TO TERMINATE A PURSUIT

Pursuits should be discontinued whenever the totality of objective circumstances known or which reasonably ought to be known to the officer or supervisor during the pursuit indicates that the present risk of continuing the pursuit reasonably appears to outweigh the risk resulting from the suspect's escape.

Operating an emergency vehicle in a pursuit with emergency lights and siren does not relieve the operator of an authorized emergency vehicle of the duty to drive with due regard for the safety of all persons and does not protect the driver from the consequences of his/her reckless disregard for the safety of others (ORC § 4511.45(B)).

The above factors on when to initiate a pursuit are expressly included herein and will apply equally to the decision to discontinue as well as the decision to initiate a pursuit. Officers and supervisors must objectively and continuously weigh the seriousness of the offense against the potential danger to innocent motorists, themselves and the public when electing to continue a pursuit. In the context of this policy, the term "terminate" shall be construed to mean to discontinue or to stop chasing the fleeing vehicle.

In addition to the factors listed above, the following factors should be considered when deciding whether to terminate a pursuit:

- (a) The distance between the pursuing officers and the fleeing vehicle is so great that further pursuit would be futile or require the pursuit to continue for an unreasonable time or distance.
- (b) The pursued vehicle's location is no longer definitely known.
- (c) The officer's pursuit vehicle sustains damage or a mechanical failure that renders it unsafe to drive.

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- (d) The pursuit vehicle suffers an emergency equipment failure that causes the vehicle to no longer qualify for emergency operation use.
- (e)
- (f) The hazards to uninvolved bystanders or motorists.
- (g) When the identity of the offender is known and it does not reasonably appear that the need for immediate capture outweighs the risk associated with continuing the pursuit, officers should strongly consider discontinuing the pursuit and apprehending the offender at a later time.
- (h) When directed to terminate the pursuit by a supervisor.

#### **307.3.3 SPEED LIMITS**

The speed of a pursuit is a factor that should be evaluated on a continuing basis by the officer and supervisor. Vehicle speeds shall be taken into consideration to prevent endangering public safety, officer safety and the safety of the occupants of the fleeing vehicle.

Should high vehicle speeds be reached during a pursuit, officers and supervisors shall also consider these factors when determining the reasonableness of the speed of the pursuit (ORC § 4511.24):

- (a) Pursuit speeds have become unreasonably unsafe for the surrounding conditions.
- (b) Pursuit speeds have exceeded the driving ability of the officer.
- (c) Pursuit speeds are beyond the capabilities of the pursuit vehicle, thus making its operation unsafe.

#### **307.4 PURSUIT UNITS**

Pursuit units should be limited to two vehicles

A supervisor may request additional units to join a pursuit if, after assessing the factors outlined above, it appears that the number of officers involved would be insufficient to safely arrest the suspect. All other officers shall stay out of the pursuit but should remain alert to its progress and location. Any officer who drops out of a pursuit will stop and pull to the side of the road.

##### **307.4.1 MOTORCYCLE OFFICERS**

A distinctively marked patrol vehicle equipped with emergency overhead lighting should replace a police motorcycle as primary and/or secondary pursuit unit as soon as practicable.

##### **307.4.2 VEHICLES WITHOUT EMERGENCY EQUIPMENT**

Vehicles not equipped with a red or blue emergency light and siren are prohibited from initiating or joining in any pursuit. Officers in such vehicles may provide support to pursuing units as long as the vehicle is operated in compliance with all traffic laws (ORC § 4511.041 and ORC § 4513.21).

##### **307.4.3 PRIMARY UNIT RESPONSIBILITIES**

The initial pursuing officer will be designated as the primary pursuit unit and will be responsible for the conduct of the pursuit unless it is unable to remain reasonably close enough to the violator's

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vehicle. The primary responsibility of the officer initiating the pursuit is the apprehension of the suspect without unreasonable danger to him/herself or other persons.

The primary unit should notify the Communications Center, commencing with a request for priority radio traffic, that a vehicle pursuit has been initiated, and as soon as practicable, provide information including, but not limited to:

- (a) The reason for the pursuit.
- (b) The location and direction of travel.
- (c) The speed of the fleeing vehicle.
- (d) The description of the fleeing vehicle and license number, if known.
- (e) The number of occupants.
- (f) The identity or description of the known occupants.
- (g) The weather, road and traffic conditions.
- (h) The identity of other agencies involved in the pursuit.
- (i) Information concerning the use of firearms, threat of force, injuries, hostages or other unusual hazards.

Unless relieved by a supervisor or secondary unit, the officer in the primary unit shall be responsible for broadcasting the progress of the pursuit. Unless circumstances reasonably indicate otherwise, the primary unit should relinquish the responsibility of broadcasting the progress of the pursuit to a secondary unit or aircraft joining the pursuit to minimize distractions and allow the primary unit to concentrate foremost on safe pursuit tactics.

#### 307.4.4 SECONDARY UNIT RESPONSIBILITIES

The second officer in the pursuit is responsible for:

- (a) Immediately notifying the dispatcher of his/her entry into the pursuit.
- (b) Remaining at a safe distance behind the primary unit unless directed to assume the role of primary officer, or if the primary unit is unable to continue the pursuit.
- (c) Broadcasting the progress of the pursuit unless the situation indicates otherwise.
- (d) Serving as backup to the primary unit once the subject has been stopped.

#### 307.4.5 PURSUIT DRIVING TACTICS

The decision to use specific driving tactics requires the same assessment of considerations outlined in the factors to be considered concerning pursuit initiation and termination. The following are tactics for units involved in the pursuit:

- (a) Officers, considering their driving skills and vehicle performance capabilities, will space themselves from other involved vehicles such that they are able to see and avoid hazards or react safely to maneuvers by the fleeing vehicle.

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- (b) Officers may proceed past a red or stop signal or stop sign but only after slowing down as may be necessary for safe operation (ORC § 4511.03).
- (c) Because intersections can present increased risks, the following tactics should be considered:
  - 1. Available units not directly involved in the pursuit may proceed safely to controlled intersections ahead of the pursuit in an effort to warn cross traffic.
  - 2. Pursuing units should exercise due caution when proceeding through controlled intersections.
- (d) officers shall not pursue a vehicle driving the wrong way on a roadway, highway or freeway or the wrong way on a one-way street. In the event the pursued vehicle does so, the following tactics should be considered:
  - 1. Requesting assistance from an available air unit.
  - 2. Maintaining visual contact with the pursued vehicle by paralleling on the correct side of the roadway.
  - 3. Requesting other units to observe exits available to the suspect.
- (e) Officers involved in a pursuit should not attempt to pass other units unless the situation indicates otherwise or they are requested to do so by the primary unit and a clear understanding of the maneuver process exists between the involved officers.

#### 307.4.6 TACTICS/PROCEDURES FOR UNITS NOT INVOLVED IN THE PURSUIT

There should be no paralleling of the pursuit route. Officers are authorized to use emergency equipment at intersections along the pursuit path to clear intersections of vehicular and pedestrian traffic to protect the public. Officers should remain in their assigned area and should not become involved with the pursuit unless directed otherwise by a supervisor.

Non-pursuing personnel needed at the termination of the pursuit should respond in a non-emergency manner, observing the rules of the road.

The primary unit, secondary unit and supervisor should be the only units operating under emergency conditions (emergency lights and siren) unless other units are assigned to the pursuit.

#### 307.4.7 PURSUIT TRAILING

In the event that the initiating unit from this agency relinquishes control of the pursuit to another unit or jurisdiction, that initiating unit may, with permission of a supervisor, trail the pursuit to the termination point in order to provide information and assistance for the arrest of the suspect.

The term "trail" means to follow the path of the pursuit at a safe speed, while obeying all traffic laws and without activating emergency equipment. If the pursuit is at a slow rate of speed, the trailing unit will maintain sufficient distance from the pursuit units to clearly indicate an absence of participation in the pursuit.

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##### **307.4.8 AIRCRAFT ASSISTANCE**

When available, aircraft assistance should be requested. Once the air unit has established visual contact with the pursued vehicle, it should assume control over the pursuit. The primary and secondary ground units should consider whether the participation of an aircraft warrants their continued involvement in the pursuit.

The air unit should coordinate the activities of resources on the ground, report progress of the pursuit and provide officers and supervisors with details of upcoming traffic congestion, road hazards or other pertinent information to evaluate whether to continue the pursuit. If ground units are not within visual contact and the air unit determines that it is unsafe to continue the pursuit, the air unit should recommend terminating the pursuit.

##### **307.5 SUPERVISORY CONTROL AND RESPONSIBILITIES**

It is the policy of this department that available supervisory and management control will be exercised over all vehicle pursuits involving officers from this department.

The field supervisor of the officer initiating the pursuit, or if unavailable, the nearest field supervisor will be responsible for the following:

- (a) Upon becoming aware of a pursuit, immediately notifying involved officers and the Communications Center of supervisory presence and ascertaining all reasonably available information to continuously assess the situation and risk factors associated with the pursuit in order to ensure that the pursuit is conducted within established Department guidelines.
- (b) Engaging in the pursuit, when appropriate, to provide on-scene supervision.
- (c) Exercising management and control of the pursuit even if not engaged in it.
- (d) Ensuring that no more than the number of required law enforcement units needed are involved in the pursuit under the guidelines set forth in this policy.
- (e) Directing that the pursuit be terminated if, in his/her judgment, it is not justified to continue the pursuit under the guidelines of this policy.
- (f) Ensuring that aircraft assistance is requested, if available.
- (g) Ensuring that the proper radio channel is being used.
- (h) Ensuring the notification and/or coordination of outside agencies if the pursuit either leaves or is likely to leave the jurisdiction of this agency.
- (i) Controlling and managing MHPD units when a pursuit enters another jurisdiction.
- (j) Preparing a post-pursuit critique and analysis of the pursuit for training purposes.

##### **307.5.1 SHIFT SUPERVISOR RESPONSIBILITIES**

Upon becoming aware that a pursuit has been initiated, the Shift Supervisor should monitor and continually assess the situation and ensure the pursuit is conducted within the guidelines and

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requirements of this policy. The Shift Supervisor has the final responsibility for the coordination, control and termination of a vehicle pursuit and shall be in overall command.

The Shift Supervisor shall review all pertinent reports for content and forward them to the Sergeant.

#### **307.6 COMMUNICATIONS**

If the pursuit is confined within the City limits, radio communications will be conducted on the primary channel unless instructed otherwise by a supervisor or communications dispatcher. If the pursuit leaves the jurisdiction of this department or such is imminent, involved units should, whenever available, switch radio communications to an emergency channel most accessible by participating agencies and units.

##### **307.6.1 THE COMMUNICATIONS CENTER RESPONSIBILITIES**

Upon notification that a pursuit has been initiated, the Communications Center will be responsible for:

- (a) Coordinating pursuit communications of the involved units and personnel.
- (b) Notifying and coordinating with other involved or affected agencies as practicable.
- (c) Ensuring that a field supervisor is notified of the pursuit.
- (d) Assigning an incident number and logging all pursuit activities.
- (e) Broadcasting pursuit updates as well as other pertinent information as necessary.
- (f) Notifying the Shift Supervisor as soon as practicable.

##### **307.6.2 LOSS OF PURSUED VEHICLE**

When the pursued vehicle is lost, the primary unit should broadcast pertinent information to assist other units in locating the vehicle. The primary unit will be responsible for coordinating any further search for either the pursued vehicle or suspects fleeing on foot.

#### **307.7 INTERJURISDICTIONAL CONSIDERATIONS**

When a pursuit enters another agency's jurisdiction, the primary officer or supervisor, taking into consideration distance traveled, unfamiliarity with the area and other pertinent facts, should determine whether to request the other agency to assume the pursuit. Unless entry into another jurisdiction is expected to be brief, it is generally recommended that the primary officer or supervisor ensure that notification is provided to each outside jurisdiction into which the pursuit is reasonably expected to enter, regardless of whether such jurisdiction is expected to assist.

##### **307.7.1 ASSUMPTION OF PURSUIT BY ANOTHER AGENCY**

Mount Healthy Police Department officers will discontinue the pursuit when another agency has assumed the pursuit, unless continued assistance of the Mount Healthy Police Department is requested by the agency assuming the pursuit. Upon discontinuing the pursuit, the primary unit may proceed upon request, with or at the direction of a supervisor, to the termination point to assist in the investigation.

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The role and responsibilities of officers at the termination of a pursuit initiated by this department shall be coordinated with appropriate consideration of the units from the agency assuming the pursuit.

Notification of a pursuit in progress should not be construed as a request to join the pursuit. Requests to or from another agency to assume a pursuit should be specific. Because of communication limitations between local agencies, a request for another agency's assistance will mean that its personnel will assume responsibility for the pursuit. For the same reasons, when a pursuit leaves another jurisdiction and a request for assistance is made to this department, the other agency should relinquish control.

#### **307.7.2 PURSUITS EXTENDING INTO THIS JURISDICTION**

The agency that initiates a pursuit shall be responsible for conducting the pursuit. Units from this department should not join a pursuit unless specifically requested to do so by the agency whose peace officers are in pursuit. The exception to this is when a single unit from the initiating agency is in pursuit. Under this circumstance, a unit from this department may join the pursuit of a violent felony until sufficient units from the initiating agency join the pursuit. Officers with not participate in the vehicle pursuit of misdemeanor offenses or non violent felonies.

When a request is made for this department to assist or take over a pursuit from another agency that has entered this jurisdiction, the supervisor should consider these additional factors:

- (a) Ability to maintain the pursuit.
- (b) Circumstances serious enough to continue the pursuit.
- (c) Adequate staffing to continue the pursuit.
- (d) The public's safety within this jurisdiction.
- (e) Safety of the pursuing officers

As soon as practicable, a supervisor or the Shift Supervisor should review a request for assistance from another agency. The Shift Supervisor or supervisor, after consideration of the above factors, may decline to assist in or assume the other agency's pursuit.

Assistance to a pursuing outside agency by officers of this department will terminate at the City limits provided that the pursuing peace officers have sufficient assistance from other sources. Ongoing participation from this department may continue only until sufficient assistance is present.

In the event that a pursuit from another agency terminates within this jurisdiction, officers shall provide appropriate assistance to peace officers from the outside agency including, but not limited to, scene control, coordination and completion of supplemental reports and any other assistance requested or needed.

#### **307.8 PURSUIT INTERVENTION**

Pursuit intervention is an attempt to terminate the ability of a suspect to continue to flee in a motor vehicle through tactical application of technology, tire deflation devices, blocking, boxing, PIT (Pursuit Intervention Technique), ramming or roadblock procedures.



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##### 307.8.1 WHEN USE IS AUTHORIZED

Use of pursuit intervention tactics should be employed only after approval of a supervisor. In deciding whether to use intervention tactics, officers/supervisors should balance the risk of allowing the pursuit to continue with the potential hazards arising from the use of each tactic to the public, the officers and persons in or on the pursued vehicle. With this in mind, the decision to use any intervention tactic should be reasonable in light of the circumstances apparent to the officer at the time of the decision.

It is imperative that officers act within legal bounds using good judgment and accepted practices.

##### 307.8.2 USE OF FIREARMS

The use of firearms to disable a pursued vehicle is not generally an effective tactic and involves all the dangers associated with discharging firearms. Officers should not utilize firearms during an ongoing pursuit unless the conditions and circumstances meet the requirements authorizing the use of deadly force. Nothing in this section shall be construed to prohibit any officer from using a firearm to stop a suspect from using a vehicle as a deadly weapon.

##### 307.8.3 INTERVENTION STANDARDS

Any intervention tactic, depending upon the conditions and circumstances under which it is used, may present dangers to the officers, the public or anyone in or on the vehicle being pursued. Certain applications of intervention tactics may be construed to be a use of force, including deadly force, and are subject to Department policies guiding such use. Officers shall consider these facts and requirements prior to deciding how, when, where and if an intervention tactic should be employed.

- (a) Officers will not use the PIT
- (b) Officers will not ram a fleeing vehicle
- (c) Tire deflation devices should be deployed only when it is reasonably apparent that only the pursued vehicle will be affected by their use. Prior to the deployment of spike strips, the officer shall notify pursuing units and the supervisor of the intent and location. Officers should carefully consider the limitations of such devices as well as the potential risks to officers, the public and occupants of the pursued vehicle. If the pursued vehicle is transporting hazardous materials or a school bus transporting children, officers and supervisors should weigh the potential consequences against the need to immediately stop the vehicle. Tire deflation devices shall not be deployed on motorcycles. Officers are prohibited from deploying tire deflation devices on highways or interstates. All officers will receive training in the use of tire deflation devices while in the Field Training Program, by a certified instructor.
- (d) 1. Under normal circumstances, officers will not set up roadblocks to stop fleeing vehicles. The pursuit OIC may grant permission for a roadblock if he has knowledge the suspect has committed:
  - (a) Aggravated Burglary
  - (b) Aggravated Robbery

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- (c) Aggravated Arson
- (d) Murder or Aggravated Murder
- (e) Rape
- (f) Complicity to any of the above

#### **307.8.4 CAPTURE OF SUSPECTS**

Proper self-discipline and sound professional judgment are the keys to a successful conclusion of a pursuit and apprehension of evading suspects. Officers shall use only that amount of force that reasonably appears necessary under the circumstances to properly perform their lawful duties.

Unless relieved by a supervisor, the primary officer should coordinate efforts to apprehend the suspect following the pursuit. Officers should consider safety of the public and the involved officers when formulating plans to contain and capture the suspect.

#### **307.9 REPORTING AND REVIEW REQUIREMENTS**

All appropriate reports shall be completed to comply with local and state regulations.

- (a) The primary officer shall complete appropriate crime/arrest reports.
- (b) The primary officer or supervisor shall complete a written report for each vehicle pursuit and/or pursuit intervention technology, tire deflation devices, blocking, boxing, PIT (Pursuit Intervention Technique), ramming or roadblock procedures.
- (c) After first obtaining available information, the on-duty field supervisor shall promptly complete a Supervisor's Log or interoffice memorandum, briefly summarizing the pursuit to the Chief of Police or designee. This memo should minimally contain the following information:
  1. Date and time of pursuit.
  2. Length of pursuit in distance and time.
  3. Involved units and officers.
  4. Initial reason and circumstances surrounding the pursuit.
  5. Starting and termination points.
  6. Alleged offense, charges filed or disposition: arrest, citation or other release.
  7. Arrestee information should be provided if applicable.
  8. Injuries and/or property damage.
  9. Medical treatment.
  10. The outcome of the pursuit.
  11. Name of supervisor handling or at the scene.
  12. A preliminary determination that the pursuit appears to be in compliance with this policy or that additional review and/or follow-up is warranted.

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- (d) After receiving copies of reports, logs and other pertinent information, the assigned supervisor shall complete a post-pursuit review for each vehicle pursuit and/or pursuit intervention technology, tire deflation devices, blocking, boxing, PIT (Pursuit Intervention Technique), ramming or roadblock procedures.
- (e) Annually, the Chief of Police should direct a documented review and analysis of Department vehicle pursuits to minimally include review of the policy, reporting procedures, policy suitability, policy compliance and training needs. The review and analysis shall be approved by the Police Chief.

#### 307.9.1 REGULAR AND PERIODIC PURSUIT TRAINING

In addition to initial and supplementary training on pursuits, all sworn employees will participate, no less than annually, in regular and periodic training addressing this policy and the importance of vehicle safety and protecting the public at all times. Training will include documented annual review of the Vehicle Pursuit policy, a recognition of the need to balance the known offense and the need for immediate capture against the risks to officers and others.

During the FTO program, all probationary police officers will receive documented review/training of the Vehicle Pursuit policy.

#### 307.9.2 POLICY REVIEW

Sworn members of this department shall certify in writing that they have received, read and understand this policy initially and upon any amendments (ORC § 2935.031).

## Officer Response to Calls

### 308.1 PURPOSE AND SCOPE

This policy provides officers with guidelines for the safe and appropriate vehicular response to emergency and non-emergency incidents or requests for assistance, whether these are dispatched or self-initiated.

### 308.2 RESPONSE TO CALLS

Officers responding to an emergency call shall proceed immediately. Officers responding to an emergency call shall continuously operate emergency lighting equipment and shall sound the siren (ORC § 4511.041).

Responding with emergency lights and siren does not relieve the operator of an authorized emergency vehicle of the duty to drive with due regard for the safety of all persons and does not protect the driver from the consequences of the driver's reckless disregard for the safety of others (ORC § 4511.041; ORC § 4511.45; ORC § 4511.452). The use of any other warning equipment without emergency lights and siren does not provide any exemption from the Ohio motor vehicle laws.

Officers should only respond as an emergency call response when so dispatched or when circumstances reasonably indicate an emergency response is required. Officers not responding as an emergency call response shall observe all traffic laws and proceed without the use of emergency lights and siren.

### 308.3 REQUESTING EMERGENCY ASSISTANCE

Requests for emergency assistance should be limited to those situations where the involved personnel reasonably believe there is an imminent threat to the safety of officers, or assistance is needed to prevent imminent serious harm to a citizen. Where a situation has stabilized and emergency response is not required, the requesting officer shall promptly notify the Communications Center.

If circumstances permit, the requesting officer should give the following information:

- The unit number
- The location
- The reason for the request and type of emergency
- The number of units required

#### 308.3.1 NUMBER OF UNITS PARTICIPATING

Normally, only those units reasonably necessary should respond to an emergency as an emergency call response. The Shift Supervisor or the field supervisor should monitor all emergency responses and reduce or enhance the response as warranted.

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#### **308.4 INITIATING EMERGENCY CALL RESPONSE**

If an officer believes an emergency call response to any call is appropriate, the officer shall immediately notify the Communications Center. Emergency responses of more than one unit should include, if circumstances reasonably permit, coordinating the response of the second unit by the Communications Center to avoid any unanticipated intersecting of response routes.

An emergency call response of more than one unit should initiate notification by the Communications Center to the Shift Supervisor or field supervisor. The Shift Supervisor or field supervisor will make a determination regarding the appropriateness of the response and reduce or enhance the response as warranted.

#### **308.5 RESPONSIBILITIES OF RESPONDING OFFICER**

Officers shall exercise sound judgment and care with due regard for life and property when responding to an emergency call. During a response to an emergency call officers may (ORC § 4511.041):

- (a) Proceed past a red or stop signal or stop sign but only after slowing down as may be necessary for safe operation (ORC § 4511.03).
- (b) Exceed any speed limits, provided this does not endanger life or property (ORC § 4511.24).
- (c) Disregard regulations governing direction of movement or turning in specified directions (ORC § 4511.37).
- (d) Disregard regulations governing parking or standing when using a warning lamp.

Continuing an emergency call response is at the discretion of the officer. If, in the officer's judgment, the roadway conditions or traffic congestion does not permit such a response without unreasonable risk, the officer may elect to respond to the call without the use of red lights and siren at the legal speed limit. In such an event, the officer should immediately notify the Communications Center. An officer shall also discontinue an emergency call response when directed by a supervisor or as otherwise appropriate.

Upon determining that an emergency call response is appropriate, an officer shall immediately give the location from which he/she is responding.

#### **308.6 COMMUNICATIONS RESPONSIBILITIES**

A dispatcher shall ensure acknowledgment and response of assisting units when an officer requests emergency assistance or when the available information reasonably indicates that the public is threatened with serious injury or death and an immediate law enforcement response is needed. In all other circumstances, the dispatcher shall obtain authorization from the Shift Supervisor or a field supervisor prior to assigning an emergency response. The dispatcher shall:

- (a) Attempt to assign the closest available unit to the location requiring assistance.
- (b) Immediately notify the Shift Supervisor.
- (c) Confirm the location from which the unit is responding.

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- (d) Notify and coordinate outside emergency services (e.g., fire and ambulance).
- (e) Continue to obtain and broadcast information as necessary concerning the response, and monitor the situation until it is stabilized or terminated.
- (f) Control all radio communication during the emergency and coordinate assistance under the direction of the Shift Supervisor or field supervisor.

#### **308.7 SUPERVISORY RESPONSIBILITIES**

Upon being notified that an emergency response has been initiated or requested, the Shift Supervisor or the field supervisor shall verify that:

- (a) The proper response has been initiated.
- (b) No more than those officers reasonably necessary under the circumstances are involved in the response.
- (c) Affected outside jurisdictions are being notified as practicable.

The field supervisor shall monitor the response until it has been stabilized or terminated and assert control by directing officers into or out of the response if necessary. If, in the supervisor's judgment, the circumstances require additional officers to be assigned an emergency response, the supervisor may do so.

It is the supervisor's responsibility to terminate an emergency response that, in the supervisor's judgment, is inappropriate due to the circumstances.

When making the decision to authorize an emergency call response, the Shift Supervisor or the field supervisor should consider the following:

- The type of call or crime involved.
- The type and circumstances of the request.
- The necessity of a timely response.
- Weather, traffic, and road conditions.
- The location of the responding officers and the location of the incident.

#### **308.8 EMERGENCY EQUIPMENT**

Vehicles not equipped with emergency lights and siren are prohibited from initiating or joining in an emergency response. Officers in such vehicles may provide support to an emergency response as long as the vehicles are operated in compliance with all traffic laws. Those officers should terminate their involvement in any emergency response immediately upon arrival of a sufficient number of emergency law enforcement vehicles.

If the emergency equipment on the vehicle should fail to operate, the officer must terminate the emergency call response and respond accordingly. The officer shall notify the Shift Supervisor, field supervisor, or the Communications Center of the equipment failure so that another unit may be assigned to the emergency response.

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### **308.9 POLICY**

It is the policy of this department to appropriately respond to emergency and non-emergency calls for service or requests for assistance, whether these are dispatched or self-initiated.

## CANINES

### 309.1 PURPOSE AND SCOPE

This policy establishes guidelines for the use of canines to augment law enforcement services in the community including, but not limited to, locating individuals and contraband and apprehending criminal offenders.

#### 309.1.1 DEFINITIONS

Definitions related to this policy include:

**Canine** - A dog that has been trained and may be used to assist one or more law enforcement officers in the performance of their official duties. When used in this Policy Manual, “canine” refers to a police dog (ORC § 955.11; ORC § 2921.321).

### 309.2 POLICY

It is the policy of the Mount Healthy Police Department that only teams of handlers and canines who meet and maintain the appropriate proficiency to effectively and reasonably carry out legitimate law enforcement objectives will be requested for law enforcement purposes within Mt. Healthy.

### 309.3 REQUESTS FOR CANINE TEAMS

Patrol

Section members are encouraged to request the use of a canine. Requests for a canine team from department units outside of the Patrol Section shall be reviewed by the Shift Supervisor.

- (a) The use of the Canine team is authorized for the following:
  - 1. To deter criminal activity and to assist in the prevention and detection of crime.
  - 2. In accordance with the use-of-force policies, to effect the arrest or prevent the escape of a person whom the police have probable cause to believe has committed a felony or serious misdemeanor.
  - 3. To prevent bodily injury to the officer or another person.
- (b) Building Searches
  - 1. It shall be the responsibility of the patrol officers to set up a perimeter around a building when necessary and wait for the arrival of the Canine Team.
  - 2. Police officers shall not open doors or windows to any building to be searched by the Canine Team.
  - 3. Police officers should not enter the building nor allow anyone else to enter the building once it has been determined that a Canine Team will be deployed.
  - 4. Upon the arrival of the Canine Team, the handler shall consult with the onscene supervisor. The handler shall make every effort to verify that no innocent or authorized person is in the building before commencing the search. The handler shall advise all on-scene units when he/she is entering the building.



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5. The Canine Team may conduct building searches on or off lead (on or off the leash).
  6. Before committing the dog off lead, the handler will attempt to call the suspect out by announcing the presence of the Canine Team and the intent to use the canine to search the building or premises.
  7. During the course of the search, no person shall enter the building or premises except the Canine Team or someone at the request of the handler.
- (c) Tracking
1. In tracking situations, the areas where the subject was last seen shall be preserved so as to prevent scent contamination of the scene.
  2. Police officers should refrain from entering the areas unless circumstances dictate otherwise.
  3. The Canine Team will generally conduct tracking searches on lead. The search for missing persons will always be conducted on lead.
- (d) Article Searches
1. In searching for articles and/or evidence left by suspects/actors, the areas where the subject was last seen and/or where the articles are believed to be, should be preserved so as to avoid scent contamination.
  2. Police officers should refrain from entering these areas unless circumstances dictate otherwise.
- (e) Locating Lost or Missing Persons
1. The first officer on the scene shall attempt to determine as much information as possible on the missing person such as; physical description, place and time the person was last seen, age, and physical condition. The officer should inquire if anyone else has been attempting to locate the subject and how far he or she went in their attempt to find the individual.
- (f) Detection of Narcotics and/or Controlled Substances
1. Drug searches shall only be conducted by those Canine Teams that have been specially trained in narcotics detection.
  2. Drug searches may be conducted by the Canine Team to help establish probable cause for a search warrant and locating hidden narcotics.
  3. The Canine Team may be used to search vehicles, packages, luggage, open areas, and buildings, upon establishing the reasonable belief that narcotics may be present.
  4. All drugs that are in plain view shall be seized before the Canine Team begins the search.
- (g) Detection of Explosives and/or Explosive Devices
1. Searches for explosives and/or explosive devices shall only be conducted by those Canine Teams that have been specially trained in explosives detection.

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2. The Canine Team may be utilized in the event of a bomb threat to search a building or structure for the presence of explosives after the premises have been evacuated. If the canine indicates the presence of explosives, the scene should be secured and turned over to a bomb disposal unit as soon as possible.
  3. At no time shall the canine be used to sniff a suspicious package assumed to contain an explosive device. The surrounding area should be evacuated and secured and turned over to a bomb disposal unit.
- (h) Responsibilities
1. It is incumbent upon every canine handler to promote and uphold the success, efficiency, and good public relations of the Canine Team by exercising sound judgment in the use of the canine.
  2. The handler will immediately notify a Patrol Supervisor when the canine is involved in an incident on or off-duty.
  3. Canines shall be kept under complete control and supervision at all times. When on-duty, they shall not be left unattended in any public place or upon any public street, except while in a locked patrol unit.
  4. It shall be the duty and responsibility of all handlers when on-duty, to cooperate with and assist all department units. They shall make themselves available with their canines when their services may be of value in preventing or investigating a crime or apprehending an offender.
  5. Once on the scene in response to any assignment, it shall be the handler's determination, based on his/her assessment of the situation and knowledge of the capabilities of the canine, as to whether or not the Canine Team is to be used.
  6. The handler is fully responsible and accountable for all actions of his/her assigned dog while both are on and off-duty.
  7. The handler will maintain his/her assigned canine at a high level of proficiency and peak physical condition.
  8. The handler, in cooperation with the Staff and Inspections Unit, will be responsible for all medical, training, and deployment reports.
  9. The handler will be responsible for the proper care of the dog, including feeding, grooming, providing clean living conditions, and medical attention. (CALEA 41.1.5 d)
  10. The handler will be responsible for the maintenance of all required equipment, which includes, but is not limited to: (CALEA 41.1.5 e)
    - (a) Patrol & Traffic Lead
    - (b) Tracking Lead
    - (c) Tracking Harness
    - (d) Decoy Sleeve
    - (e) Reward Toys

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- (f) Water bowl
  - (g) Choke/Pinch Collar
11. The handler will be responsible for the maintenance of the canine vehicle, including the cleaning of the canine containment compartment. This will be done at the conclusion of the handler's tour of duty.
  12. All canines will be retired from duty if unable to perform properly and adequately due to age, physical abilities, or medical condition, upon approval of the Chief of Police. The handler will then sign a waiver, which will release the canine from the department to the handler and relinquish all liabilities from the department.
- (i) General Guidelines
    1. No one shall agitate the canine, unless directed to do so by the handler during training.
    2. Always use caution when approaching a vehicle containing a police canine.
    3. Avoid horseplay or physical contact that could be perceived by the canine as an assault upon the handler.
    4. If requested to assist the Canine Team, officers should stay directly behind the handler and not cross between the handler and the canine.
    5. Should a canine confront an officer, the best tactic is to stand still, avoid eye contact, and avoid any sudden movement or attempts to flee which may cause the canine to apprehend.
    6. In the case of an accidental apprehension, officers should not struggle, nor attempt to beat, injure, or hit the canine.

### 309.3.1 OUTSIDE AGENCY REQUEST

All requests for canine assistance from outside agencies must be approved by the Shift Supervisor and are subject to the following:

- (a) Canine teams shall not be used for any assignment that is not consistent with this policy.
- (b) The canine handler shall have the authority to decline a request for any specific assignment that he/she deems unsuitable.
- (c) Calling out off-duty canine teams is discouraged.
- (d) It shall be the responsibility of the canine handler to coordinate operations with agency personnel in order to minimize the risk of unintended injury.
- (e) It shall be the responsibility of the canine handler to complete all necessary reports or as directed.

### 309.4 QUALIFICATIONS AND TRAINING FOR PERSONNEL

- (a) The department will screen all potential canine handlers. Selection will be based on the following:

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1. A high level of physical fitness as measured by the following derived from the Cooper Institute standards:
    - (a) Performing a minimum of 25 push-ups prior to failure.
    - (b) Performing a minimum of 32 sit-ups in one minute.
    - (c) Completing a 300-meter sprint in 67 seconds or less.
    - (d) Completing a 1.5 mile run in 15:32 (min./sec.) or less.
  2. Flexibility of schedule and availability for call back.
  3. Ability to provide off-duty living accommodations for canine at residence.
  4. Must have keen interest in animals and their training and well-being.
  5. Performance record review.
  6. Must be able to attend approximately 22 weeks of canine handler training.
- (b) Training
1. Police officers selected to be handlers and their assigned canines shall attend a certified Basic Canine Patrol School. In addition, Canine Teams may be sent to a certified specialized scent training school, as deemed necessary.
  2. Canine Teams are required to attend in-service training at a certified K-9 school at least quarterly in basic patrol skills and in specialty scent detection, if they are so certified.
  3. Documentation of training is provided by the certified K-9 school and all training records are retained by the Staff & Inspections Unit. (CALEA 41.1.5 c)

### **309.5 APPREHENSION GUIDELINES**

A canine may be used to locate and apprehend a suspect if the canine handler reasonably believes that the individual has committed, is committing, or is threatening to commit any serious offense and if any of the following conditions exist:

- (a) There is a reasonable belief the suspect poses an imminent threat of violence or serious harm to the public, any officer, or the handler.
- (b) The suspect is physically resisting or threatening to resist arrest and the use of a canine reasonably appears to be necessary to overcome such resistance.
- (c) The suspect is believed to be concealed in an area where entry by other than the canine would pose a threat to the safety of officers or the public.

It is recognized that situations may arise that do not fall within the provisions set forth in this policy. Such events require consideration of the totality of the circumstances and the use of an objective reasonableness standard applied to the decision to use a canine.

Absent a reasonable belief that a suspect has committed, is committing, or is threatening to commit a serious offense, mere flight from a pursuing officer, without any of the above conditions, shall not serve as the basis for the use of a canine to apprehend a suspect.

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Use of a canine to locate and apprehend a suspect wanted for a lesser criminal offense than those identified above requires approval from the Shift Supervisor. Absent a change in circumstances that presents an imminent threat to officers, the canine, or the public, such canine use should be conducted on-leash or under conditions that minimize the likelihood the canine will bite or otherwise injure the individual.

In all applications, once the suspect has been located and no longer reasonably appears to present a threat or risk of escape, the handler should secure the canine as soon as it becomes reasonably practicable.

If the canine has apprehended the suspect with a secure bite, and the handler believes that the suspect no longer poses a threat, the handler should promptly command the canine to release the suspect.

### 309.5.1 REPORTING DEPLOYMENTS, BITES, AND INJURIES

Handlers should document canine deployments in a canine use report. Whenever a canine deployment results in a bite or causes injury to an intended suspect, a supervisor should be promptly notified and the injuries documented in the canine use report. The injured person shall be promptly treated by Emergency Medical Services personnel and, if appropriate, transported to an appropriate medical facility for further treatment. The deployment and injuries should also be included in any related incident or arrest report.

Any unintended bite or injury caused by a canine, whether on- or off-duty, shall be promptly reported to the canine coordinator. Unintended bites or injuries caused by a canine should be documented in an administrative report, not in a canine use report.

If an individual alleges an injury, either visible or not visible, a supervisor shall be notified and both the individual's injured and uninjured areas shall be photographed as soon as practicable after first tending to the immediate needs of the injured party. Photographs shall be retained as evidence in accordance with current department evidence procedures. The photographs shall be retained until the criminal proceeding is completed and the time for any related civil proceeding has expired.

Law enforcement canines are generally exempt from impoundment and reporting requirements. If the canine begins exhibiting any abnormal behavior, the canine shall be made available, upon request, to the board of health for the district in which the bite occurred (ORC § 955.261).

### 309.6 NON-APPREHENSION GUIDELINES

Properly trained canines may be used to track or search for non-criminals (e.g., lost children, individuals who may be disoriented or in need of medical attention). The canine handler is responsible for determining the canine's suitability for such assignments based on the conditions and the particular abilities of the canine. When the canine is deployed in a search or other non-apprehension operation, the following guidelines apply:

- (a) Absent a change in circumstances that presents an imminent threat to officers, the canine, or the public, such applications should be conducted on-leash or under

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conditions that minimize the likelihood the canine will bite or otherwise injure the individual, if located.

- (b) Unless otherwise directed by a supervisor, assisting members should take direction from the handler in order to minimize interference with the canine.
- (c) Throughout the deployment, the handler should periodically give verbal assurances that the canine will not bite or hurt the individual and encourage the individual to make him/herself known.
- (d) Once the individual has been located, the handler should place the canine in a down-stay or otherwise secure it as soon as reasonably practicable.

### 309.6.1 ARTICLE DETECTION

A canine trained to find objects or property related to a person or crime may be used to locate or identify articles. A canine search should be conducted in a manner that minimizes the likelihood of unintended bites or injuries.

### 309.6.2 NARCOTICS DETECTION

A canine trained in narcotics detection may be used in accordance with current law and under certain circumstances, including:

- (a) The search of vehicles, buildings, bags, and other articles.
- (b) Assisting in the search for narcotics during a search warrant service.
- (c) Obtaining a search warrant by using the narcotics-detection trained canine in support of probable cause.

A narcotics-detection trained canine will not be used to search a person for narcotics unless the canine is trained to passively indicate the presence of narcotics.

### 309.6.3 BOMB/EXPLOSIVE DETECTION

Because of the high risk of danger to the public and officers when a bomb or other explosive device is suspected, the use of a canine team trained in explosive detection may be considered. When available, an explosive-detection canine team may be used in accordance with current law and under certain circumstances, including:

- (a) Assisting in the search of a building, structure, area, vehicle, or article where an actual or suspected explosive device has been reported or located.
- (b) Assisting with searches at transportation facilities and vehicles (e.g., buses, airplanes, trains).
- (c) Preventive searches at special events, VIP visits, official buildings, and other restricted areas. Searches of individuals should remain minimally intrusive and shall be strictly limited to the purpose of detecting explosives.
- (d) Assisting in the search of scenes where an explosion has occurred and an explosive device or secondary explosive device is suspected.

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At no time will an explosive-detection trained canine be used to render a suspected device safe or clear.

## Domestic Violence

### 310.1 PURPOSE AND SCOPE

The purpose of this policy is to provide the guidelines necessary to deter, prevent and reduce domestic violence through vigorous enforcement and to address domestic violence as a serious crime against society. The policy specifically addresses the commitment of this department to take enforcement action when appropriate, to provide assistance to victims and to guide officers in the investigation of domestic violence. If a primary aggressor is identified, officers are required to make an arrest.

#### 310.1.1 DEFINITIONS

Definitions related to this policy include:

**Court order** - All forms of orders related to domestic violence, that have been issued by a court of this state or another, whether civil or criminal, regardless of whether service has been made.

### 310.2 POLICY

The Mount Healthy Police Department's response to incidents of domestic violence and violations of related court orders shall stress enforcement of the law to protect the victim and shall communicate the philosophy that domestic violence is criminal behavior. It is also the policy of this department to facilitate victims' and offenders' access to appropriate civil remedies and community resources whenever feasible.

### 310.3 OFFICER SAFETY

The investigation of domestic violence cases often places officers in emotionally charged and sometimes highly dangerous environments. No provision of this policy is intended to supersede the responsibility of all officers to exercise due caution and reasonable care in providing for the safety of any officers and parties involved.

### 310.4 INVESTIGATIONS

The following guidelines should be followed by officers when investigating domestic violence cases:

- (a) Calls of reported, threatened, imminent, or ongoing domestic violence and the violation of any court order are of extreme importance and should be considered among the highest response priorities. This includes incomplete 9-1-1 calls.
- (b) When practicable, officers should obtain and document statements from the victim, the suspect, and any witnesses, including children, in or around the household or location of occurrence.
- (c) Officers should list the full name and date of birth (and school if available) of each child who was present in the household at the time of the offense. The names of other children who may not have been in the house at that particular time should also be obtained for follow-up.



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- (d) When practicable and legally permitted, video or audio record all significant statements and observations.
- (e) All injuries should be photographed, regardless of severity, taking care to preserve the victim's personal privacy. Where practicable, photographs should be taken by a person of the same sex. Victims whose injuries are not visible at the time of the incident should be asked to contact the Investigation Section in the event that the injuries later become visible.
- (f) Officers should request that the victim complete and sign an authorization for release of medical records related to the incident when applicable.
- (g) If the suspect is no longer at the scene, officers should make reasonable efforts to locate the suspect to further the investigation, provide the suspect with an opportunity to make a statement, and make an arrest or seek an arrest warrant if appropriate.
- (h) Seize any firearms or other dangerous weapons in the home, if appropriate and legally permitted, for safekeeping or as evidence.
- (i) When completing an incident or arrest report for violation of a court order, officers should include specific information that establishes that the offender has been served, including the date the offender was served, the name of the agency that served the order, and the provision of the order that the subject is alleged to have violated. When reasonably available, the arresting officer should attach a copy of the order to the incident or arrest report.
- (j) Officers should take appropriate enforcement action when there is probable cause to believe an offense has occurred. Factors that should not be used as sole justification for declining to take enforcement action include:
  - 1. Whether the suspect lives on the premises with the victim.
  - 2. Claims by the suspect that the victim provoked or perpetuated the violence.
  - 3. The potential financial or child custody consequences of arrest.
  - 4. The physical or emotional state of either party.
  - 5. Use of drugs or alcohol by either party.
  - 6. Denial that the abuse occurred where evidence indicates otherwise.
  - 7. A request by the victim not to arrest the suspect.
  - 8. Location of the incident (public/private).
  - 9. Speculation that the complainant may not follow through with the prosecution.
  - 10. Actual or perceived characteristics such as race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, economic status, age, cultural group, disability, or marital status of the victim or suspect.
  - 11. The social status, community status, or professional position of the victim or suspect.

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##### **310.4.1 IF A SUSPECT IS ARRESTED**

If a suspect is arrested, officers should:

- (a) Advise the victim that there is no guarantee the suspect will remain in custody.
- (b) Provide the victim's contact information to the jail staff to enable notification of the victim upon the suspect's release from jail.
- (c) Advise the victim whether any type of court order will be in effect when the suspect is released from jail.

##### **310.4.2 IF NO ARREST IS MADE (DUE TO LACK OF PROBABLE CAUSE)**

If no arrest is made, the officer should:

- (a) Advise the parties of any options, including but not limited to:
  - 1. Voluntary separation of the parties.
  - 2. Appropriate resource referrals (e.g., counselors, friends, relatives, shelter homes, victim witness unit).
- (b) Document the resolution in a report.

#### **310.5 VICTIM ASSISTANCE**

Victims may be traumatized or confused. Officers should:

- (a) Recognize that a victim's behavior and actions may be affected.
- (b) Provide the victim with the department's domestic violence information handout, even if the incident may not rise to the level of a crime.
- (c) Alert the victim to any available victim advocates, shelters and community resources.
- (d) Stand by for a reasonable amount of time when an involved person requests law enforcement assistance while removing essential items of personal property.
- (e) Seek medical assistance as soon as practicable for the victim if he/she has sustained injury or complains of pain.
- (f) Ask the victim whether he/she has a safe place to stay. Assist in arranging to transport the victim to an alternate shelter if the victim expresses a concern for his/her safety or if the officer determines that a need exists.
- (g) Make reasonable efforts to ensure that children or dependent adults who are under the supervision of the suspect or victim are being properly cared for.
- (h) Seek or assist the victim in obtaining an emergency order if appropriate.

#### **310.6 DISPATCH ASSISTANCE**

Dispatchers are not required to verify the validity of a court order before responding to a request for assistance. Officers should request that dispatchers check whether any of the involved persons are subject to the terms of a court order.

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### **310.7 FOREIGN COURT ORDERS**

Various types of orders may be issued in domestic violence cases. Any foreign court order properly issued by a court of another state, Indian tribe or territory shall be enforced by officers as if it were the order of a court in this state. An order should be considered properly issued when it reasonably appears that the issuing court has jurisdiction over the parties and reasonable notice and opportunity to respond was given to the party against whom the order was issued (18 USC § 2265). An otherwise valid out-of-state court order shall be enforced, regardless of whether the order has been properly registered with this state.

### **310.8 VERIFICATION OF COURT ORDERS**

Determining the validity of a court order, particularly an order from another jurisdiction, can be challenging. Therefore, in determining whether there is probable cause to make an arrest for a violation of any court order, officers should carefully review the actual order when available, and, where appropriate and practicable:

- (a) Ask the subject of the order about his/her notice or receipt of the order, his/her knowledge of its terms and efforts to respond to the order.
- (b) Check available records or databases that may show the status or conditions of the order.
- (c) Contact the issuing court to verify the validity of the order.
- (d) Contact a law enforcement official from the jurisdiction where the order was issued to verify information.

Officers should document in an appropriate report their efforts to verify the validity of an order, regardless of whether an arrest is made. Officers should contact a supervisor for clarification when needed.

### **310.9 LEGAL MANDATES AND RELEVANT LAWS**

Ohio law provides for the following:

#### **310.9.1 STANDARDS FOR ARRESTS**

Officers investigating a domestic violence report should consider the following:

- (a) An officer who has reasonable grounds to believe that a person has committed the offense of domestic violence or a violation of a protection order should arrest and detain the person (ORC § 2935.03(B)(1); ORC § 2935.032). Any decision to not arrest when there is reasonable cause to do so requires supervisor approval.
- (b) If the domestic violence event constitutes a felony assault, officers shall make an arrest (ORC §2935.032).
- (c) In the event two persons may be arrested for an act of domestic violence against each other or for violating a protection order against each other, the officer should only arrest and detain the primary physical aggressor. In determining which adult is the primary

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physical aggressor, an officer, in addition to any other relevant circumstances, should consider (ORC § 2935.03 (B)(3)):

1. Any history of domestic violence or of any other violent acts by either person involved in the alleged offense that the officer reasonably can ascertain.
  2. If violence is alleged, whether the alleged violence was caused by a person acting in self-defense.
  3. Each person's fear of physical harm, if any, resulting from the other person's threatened use of force or his/her use or history of the use of force against any person, and the reasonableness of that fear.
  4. The comparative severity of any injuries suffered by the persons involved in the alleged offense.
- (d) In the event two persons may be arrested for an act of domestic violence against each other or for violating a protection order against each other, and the officer cannot determine a primary physical aggressor, the officer should apply sound judgment when deciding whether to make an arrest. The officer should contact a supervisor for guidance as appropriate.
- (e) An officer shall not consider as a factor any possible shortage of cell space in deciding to make an arrest for domestic violence or a violation of a court order (ORC § 2935.03).

#### 310.9.2 REPORTS AND RECORDS

- (a) If a suspect is not present but would otherwise be arrested, respond the Hamilton County Clerk of Courts and obtain an arrest warrant (ORC § 2935.03 (B)(3)).
- (b) Officers who investigate an allegation of domestic violence or violation of a court order, but do not make an arrest or seek a warrant, shall clearly articulate in the appropriate report the reasons for not arresting or pursuing a warrant (ORC § 2935.03(B)(3); ORC § 2935.032).
- (c) If the alleged offender has been granted pretrial release from custody on a prior charge of the offense of domestic violence or the offense of violating a protection order, and has violated one or more conditions of that pretrial release, investigating officers shall document the facts and circumstances of the violation in the related reports (ORC § 2935.032 (A)(2)).
- (d) Officers investigating an offense of domestic violence or the offense of violating a protection order shall include in a written report (ORC § 2935.032):
  1. The fact that separate interviews with the victim and the alleged offender were conducted in separate locations, and identify the locations.
  2. Any statements from the victim that indicate the frequency and severity of any prior incidents of physical abuse of the victim by the alleged offender, the number of times the victim has called peace officers for assistance, and the disposition of those calls, if known.

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3. Observations of the victim and the alleged offender.
  4. Any visible injuries on the victim or the alleged offender.
  5. Any weapons at the scene, and the actions of the alleged offender.
  6. Any statements made by the victim or witnesses.
  7. Any other significant facts or circumstances.
- (e) Supervisors tasked with reviewing domestic violence reports shall consider referring cases to federal authorities for possible violations of 18 USC § 2261 (Interstate Domestic Violence) and should do so when appropriate (ORC § 2935.032 (G)).
- (f) The Police Clerk shall ensure domestic violence reporting is made to the Ohio Attorney General in compliance with ORC § 3113.32.

#### 310.9.3 COURT ORDERS INDEX

The Police Clerk shall maintain an index for protection orders and the approved consent agreements delivered to the Mount Healthy Police Department, pursuant to ORC § 3113.31 (F) (1). The index shall include the date and time that the Department received the order or agreement (ORC § 3113.31(F)(3)).

#### 310.9.4 WEAPONS

Any deadly weapon brandished, used or threatened to be used in an incident of domestic violence shall be processed as contraband subject to forfeiture, pursuant to ORC Chapter 2981 (ORC § 2935.03).

#### **310.10 DOMESTIC VIOLENCE REPORTING COMPLIANCE (CGO 1-2015)**

The State of Ohio requires annual reporting of all Domestic Violence and Domestic Dispute Offenses reported and investigated by each police agency in Ohio. To meet this standard, The Ohio Attorney General provides a website, accessible through the Ohio Law Enforcement Gateway, to maintain a monthly record of Domestic Disputes and Domestic Violence offenses.

- A. The Night Watch Supervisor will maintain an Incident Query Log in the Supervisors' Office. Each time the Night Watch Supervisor performs an incident search, the date, time, and identity of the person conducting the search will be recorded in the Log.
- B. The Night Watch Supervisor will perform a query of all incidents in the reporting system that occurred since the time of the last query date on the log.
- C. A specific search of all incidents of Domestic Violence and or Domestic Disputes will be conducted.
  - (a) Each report will be printed and checked for accuracy and also entered in the Investigative Log for follow-up investigation or closure. The supervisor will mark the top of the report with, " Entered via PAMET "and include the date, along with his or her initials.
    - i. The report must have all fields relating to Domestic Violence completed to have the system generate an accurate monthly report. Supervisors will

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- carefully review the report to ensure all applicable reporting fields are properly completed.
- ii. Careful attention must be given and proper inspection must be made to ensure a Domestic Violence or Dispute is not entered as a Field Investigation or Blotter Entry in the reporting System.
  - iii. Reporting errors will be addressed with the responsible officer and documented via ESL notation if applicable.
- (b) When the Night Watch Supervisor determines the original offense report is accurate, it will be sent to the Police Chief.
  - (c) The Police Chief will review the reports and forward them to the Police Clerk who will ensure the monthly State Query is reflected in the State Attorney General website.
- D. If the Night Watch Supervisor is off for more than four days, the reporting responsibility will shift to the Day Watch Supervisor.
  - E. The Night Watch Supervisor will ensure the monthly Domestic Violence Report is generated via the reporting system.
  - F. The Police Clerk will query the website monthly, verify the existence of the Mt. Healthy Monthly Report, notify the Police Chief via email of the monthly audit, and file the original reports by year.

## Search and Seizure

### 311.1 PURPOSE AND SCOPE

Both the federal and state Constitutions provide every individual with the right to be free from unreasonable searches and seizures. This policy provides general guidelines for Mount Healthy Police Department personnel to consider when dealing with search and seizure issues.

### 311.2 POLICY

It is the policy of the Mount Healthy Police Department to respect the fundamental privacy rights of individuals. Members of this department will conduct searches in strict observance of the constitutional rights of persons being searched. All seizures by this department will comply with relevant federal and state law governing the seizure of persons and property.

The Department will provide relevant and current training to officers as guidance for the application of current law, local community standards and prosecutorial considerations regarding specific search and seizure situations, as appropriate.

#### 311.2.1 CONSENT SEARCHES

- (a) A search warrant, probable cause, or reasonable suspicion is not necessary to conduct a search where a person, who has authority or control over the thing or place to be searched, consents to the search. An officer may merely ask for permission from someone with authority or control over the premises or the item he or she wishes to search. If that person grants permission, the search may take place.
- (b) Written consent should be obtained whenever possible before conducting a search based on consent by utilizing the Consent to Search Form (DPD 675).
- (c) The sole justification for a consent search is the existence of a knowing, intelligent, and voluntary consent. The legal standard for determining if consent was given voluntarily is an evaluation of the totality of the circumstances. If an officer requests consent from a citizen under circumstances which a reasonable person would consider coercive, then the officer must seek a warrant (if probable cause exists) prior to a search.
- (d) A person need not be told that they have a right to refuse consent. A member may not misrepresent the limits of his/her authority and should accurately answer any questions that are asked.
- (e) A person may withdraw their consent at any time and has the right to limit the scope of their consent (e.g., a person can consent to the search of only one room of a house). Revocation of consent does not constitute probable cause that contraband or evidence of a crime will be found.
- (f) All consent searches must be conducted reasonably. For example, consent to search the trunk would justify the opening of containers, but unless explicitly authorized, it would be unreasonable to believe that general consent would authorize a member to break open and damage locked containers.

#### Consent During Traffic Stops

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1. Once a member issues a civil infraction or a verbal warning, the officer shall return the license, registration, and certificate of insurance before asking for consent to search the motor vehicle.
2. The officer may advise the driver, but is not required to, that he is free to go before requesting consent to search.

#### **Third Party Consent**

1. One person may not “give up” the constitutional rights of another person.
2. Third party consent recognizes that people have “common authority” over a piece of property or premises at which property is stored and may give consent in their own right. Common authority rests “on mutual use of the property by persons having joint access or control for most purposes” (United States v. Matlock, 415 U.S. 164 [1974]).
3. Common authority is not the same as legal ownership. A person can have common authority, but not have legal ownership (e.g. one person who resides with another in the other person’s apartment would have no legal ownership or is the signed contractual tenant, but would have common authority in shared areas).

1. A search warrant, probable cause, or reasonable suspicion is not necessary to conduct a search where a person, who has authority or control over the thing or place to be searched, consents to the search. An officer may merely ask for permission from someone with authority or control over the premises or the item he or she wishes to search. If that person grants permission, the search may take place. 2. Written consent should be obtained whenever possible before conducting a search based on consent by utilizing the Consent to Search Form (DPD 675). 3. The sole justification for a consent search is the existence of a knowing, intelligent, and voluntary consent. The legal standard for determining if consent was given voluntarily is an evaluation of the totality of the circumstances. If an officer requests consent from a citizen under circumstances which a reasonable person would consider coercive, then the officer must seek a warrant (if probable cause exists) prior to a search. 4. A person need not be told that they have a right to refuse consent. A member may not misrepresent the limits of his/her authority and should accurately answer any questions that are asked. 5. A person may withdraw their consent at any time and has the right to limit the scope of their consent (e.g., a person can consent to the search of only one room of a house). Revocation of consent does not constitute probable cause that contraband or evidence of a crime will be found. 6. All consent searches must be conducted reasonably. For example, consent to search the trunk would justify the opening of containers, but unless explicitly authorized, it would be unreasonable to believe that general consent would authorize a member to break open and damage locked containers.

#### **Consent by Parents**

There is no common rule or guidelines that a parent cannot give valid consent to search a room of an adult son or daughter. Each case depends on the circumstances because the parent may have actual common authority based on joint access or control.

#### **Co-occupant Objection to Consent Searches**



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In dealing with third party consent where a co-occupant is at the scene and refuses consent, a warrantless search has been deemed unreasonable because of the objecting co-occupant. As a general rule, if one person who possesses common authority to give consent to jointly controlled premises gives consent, but a second co-occupant is physically present and refuses to give permission to search, a consent search is not justified.

#### 311.2.2 STOP AND FRISK

A Stop and frisk/Pat-Down Search for Weapons of an individual is allowed under certain circumstances as described below in Terry v. Ohio:

- (a) Terry v. Ohio, 392 U.S. 1 (1968) was a landmark decision by the United States Supreme Court which held that the Fourth Amendment prohibition on unreasonable searches and seizures is not violated when a police officer stops a suspect on the street and frisks him or her without probable cause to arrest, if the police officer observes unusual conduct which leads him to reasonably conclude, based on his experience, that the person (1) has committed, is committing, or is about to commit a crime; and (2) that person "may be armed and presently dangerous."
- (b) For their own protection, police may perform a carefully limited surface search of the person's outer clothing for weapons if they have reasonable suspicion that the person stopped is armed and presently dangerous. This reasonable suspicion must be based on "specific and articulable facts" and not merely upon an officer's hunch. This permitted police action has subsequently been referred to in short as a "stop and frisk" or simply a "Terry frisk". The Terry standard was later extended to temporary detentions of persons in vehicles, known as traffic stops; see Terry stop for a summary of subsequent jurisprudence.
- (c) The rationale behind the Supreme Court decision revolves around the understanding that, as the opinion notes, "The rule of excluding evidence seized in violation of the Fourth Amendment has its limitations." The meaning of the rule is to protect persons from unreasonable searches and seizures aimed at gathering evidence, not searches and seizures for other purposes (like prevention of crime or personal protection of police officers).
- (d) Courts will decide the reasonableness of suspicion on a case-by-case basis. An officer may detain (investigative detention or stop) an individual without probable cause to arrest if the officer has reasonable grounds, based on specific facts, clearly expressed, that the detention was necessary in the interests of crime detection and prevention.
- (e) Frisk is used to describe the precaution of running the hands quickly up and down and around a person's clothing to discover possession of a weapon. Courts have justified the procedure, generally, as a precautionary measure for the purpose of discovering weapons which might pose a threat to the officer's safety while questioning a person under investigation.

Circumstances that may establish justification for performing a pat-down search include, but are not limited to:

- (a) The type of crime suspected, particularly in crimes of violence where the use or threat of weapons is involved.

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- (b) Where more than one suspect must be handled by a single officer.
- (c) The hour of the day and the location or area where the stop takes place.
- (d) Prior knowledge of the suspect's use of force and/or propensity to carry weapons.
- (e) The appearance and demeanor of the suspect.
- (f) Visual indications that suggest the suspect is carrying a firearm or other weapon.

#### 311.2.3 VEHICLE SEARCHES

For Fourth Amendment purposes, the automobile has a lesser expectation of privacy when compared to a dwelling and therefore there is a vehicle exception to the search warrant requirement. The vehicle exception is based upon two (2) main rationales:

1. A vehicle is readily mobile; and
2. Is subject to a range of police regulations inapplicable to a fixed dwelling (e.g., licensing, etc.).

#### **Consent Search**

When the owner or driver voluntarily consents to a search of a vehicle. The consent must be voluntary and not made under any threat or compulsion. The test for a valid consent search is based on the totality of the circumstances.

#### **Undriveable Vehicles**

A vehicle does not have to be self propelled in order to be covered by the vehicle exception of the search warrant rule.

#### **Types of Vehicle Searches**

There are several types of vehicle searches based on varying legal standards and justifications, these are:

1. With a Search Warrant;
2. Probable cause search;
3. Search incident to arrest of driver or occupant;
4. Inventory search

#### **With a Search Warrant**

When searching under a warrant, members may search all areas in which the object of the search warrant could be located.

#### **Probable Cause Search of a Vehicle**

1. If a member has probable cause to search a vehicle a warrantless search may be made of any area of the vehicle that could conceal the object of the search.
2. The search should take place within a reasonable amount of time, if the time period exceeds what is reasonable, then a search warrant should be obtained.

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3. If probable cause exists to search a vehicle, the search may be conducted on the street or the vehicle may be removed to a more convenient location, such as the district/precinct.
4. Vehicles stored in garages may need a search warrant unless the search is based upon a recognized exception, such as consent or exigent circumstances. The reason for obtaining a search warrant in this case is because a garage is a Fourth Amendment protected premises.
5. The scope of this type of search is anywhere in the vehicle, and any containers, that could hold the object for the probable cause search. Members have the authority to force open any locked containers or compartments as if authorized by a search warrant.

#### **Dual Use Vehicles or “Mobile homes”**

Mobile homes can be considered a “dwelling” and a search warrant may be required in order to search a mobile home vehicle. Some factors to consider if the mobile home is a vehicle and not a “dwelling” is:

- (a) Is the vehicle mobile with a turn of the key?
- (b) Is the mobile home elevated on blocks?
- (c) Is the mobile home connected to utilities (e.g., water, electricity, etc.)?
- (d) Is the mobile home readily accessible to a road?

#### **Search of Vehicles Incident to Arrest of Driver or Occupant**

1. Under limited circumstances a member has the authority to search the passenger compartment of a vehicle incident to an arrest of an occupant of the vehicle.
2. Based on the court case *Arizona v Gant*, 556 U.S. 332 (2009), a police officer may search the passenger compartment of a vehicle incident to a recent occupant’s arrest only in two (2) circumstances: i. The arrested person is within reaching distance of the passenger compartment at the time of the search; or ii. It is reasonable for the officer to believe the vehicle contains evidence that pertains to the offense for which the person is being arrested.
3. The search permitted by a search incident to lawful arrest is confined to the passenger compartment and does not include the trunk. Courts construe the term “passenger compartment” as areas that could be reached by an individual without exiting the vehicle.
4. Unlike a vehicle search justified by probable cause, a vehicle search incident to an arrest must be performed at the location of the arrest.

#### **Inventory Search**

Vehicles seized, taken as evidence, or taken into police custody and towed at the direction of department members shall be inventoried to safeguard the person’s property and to protect the department from false claims of damage or removed property from the vehicle.

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- i. The impounding officer shall conduct an itemized inventory of the vehicle for personal property and place all property of value into safekeeping.
- ii. Any containers found in the vehicle shall be opened, and all contents of such containers shall be inventoried.
- iii. A locked glove compartment, locked trunk or other locked compartment shall be opened and the contents inventoried if the impounding officer has possession of a key to these areas during the inventory.

#### **311.2.4 EXIGENT CIRCUMSTANCES**

The following exigent circumstances would justify a warrantless search:

1. If officers have a reasonable belief that contraband is about to be removed or destroyed, he or she may conduct a search and seizure, without a warrant, provided probable cause exists, and it can be shown that the search was necessary to prevent the possible imminent destruction of evidence. (Not all crimes are serious enough to create exigent circumstances.);
2. If officers are pursuing a felony suspect, and have reason to believe that he or she has entered a particular premise, they may enter those premises to search for him or her. To justify warrantless entry following the pursuit, the arrest process must have begun away from the premises and the offender is trying to avoid arrest.

#### **311.3 SEARCHES**

The U.S. Constitution generally provides that a valid warrant is required in order for a search to be valid. There are, however, several exceptions that permit a warrantless search.

Examples of law enforcement activities that are exceptions to the general warrant requirement include, but are not limited to, searches pursuant to the following:

- Valid consent
- Incident to a lawful arrest
- Legitimate community caretaking interests
- Vehicle searches under certain circumstances
- Exigent circumstances

Certain other activities are recognized by federal and state courts and by certain statutes as legitimate law enforcement activities that also do not require a warrant. Such activities may include seizure and examination of abandoned property, and observations of activities and property located on open public areas.

Because case law regarding search and seizure is constantly changing and subject to interpretation by the courts, each member of this department is expected to act in each situation according to current training and his/her familiarity with clearly established rights as determined by case law.

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#### *Search and Seizure*

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Whenever practicable, officers are encouraged to contact a supervisor to resolve questions regarding search and seizure issues prior to electing a course of action.

#### **311.4 SEARCH PROTOCOL**

Although conditions will vary and officer safety and other exigencies must be considered in every search situation, the following guidelines should be followed whenever circumstances permit:

- (a) Members of this department will strive to conduct searches with dignity and courtesy.
- (b) Officers should explain to the person being searched the reason for the search and how the search will be conducted.
- (c) Searches should be carried out with due regard and respect for private property interests and in a manner that minimizes damage. Property should be left in a condition as close as reasonably possible to its pre-search condition.
- (d) In order to minimize the need for forcible entry, an attempt should be made to obtain keys, combinations or access codes when a search of locked property is anticipated.
- (e) When the person to be searched is of the opposite sex as the searching officer, a reasonable effort should be made to summon an officer of the same sex as the subject to conduct the search. When it is not practicable to summon an officer of the same sex as the subject, the following guidelines should be followed:
  1. Another officer or a supervisor should witness the search.
  2. The officer should not search areas of the body covered by tight-fitting clothing, sheer clothing or clothing that could not reasonably conceal a weapon.

#### **311.5 DOCUMENTATION**

Officers are responsible to document any search and to ensure that any required reports are sufficient including, at minimum, documentation of the following:

- Reason for the search
- Any efforts used to minimize the intrusiveness of any search (e.g., asking for consent or keys)
- What, if any, injuries or damage occurred
- All steps taken to secure property
- The results of the search, including a description of any property or contraband seized
- If the person searched is the opposite sex, any efforts to summon an officer of the same sex as the person being searched and the identification of any witness officer

Supervisors shall review reports to ensure the reports are accurate, that actions are properly documented and that current legal requirements and department policy have been met.

## Temporary Custody of Juveniles

### 312.1 PURPOSE AND SCOPE

This policy provides guidelines consistent with the Juvenile Justice and Delinquency Prevention Act for juveniles taken into temporary custody by members of the Mount Healthy Police Department (34 USC § 11133).

#### 312.1.1 DEFINITIONS

Definitions related to this policy include:

**Juvenile non-offender** - An abused, neglected, dependent, or alien juvenile who may be legally held for his/her own safety or welfare. This also includes any juvenile who may have initially been contacted for an offense that would not subject an adult to arrest (e.g., fine-only offense) but was taken into custody for his/her protection or for purposes of reuniting the juvenile with a parent, guardian, or other responsible person.

**Juvenile offender** - A juvenile under 18 years of age who is alleged to have committed an offense that would subject an adult to arrest (a non-status offense) or who is in possession of a handgun (28 CFR 31.303).

**Non-secure custody** - When a juvenile is held in the presence of an officer or other custody employee at all times and is not placed in a locked room, cell, or behind any locked doors. Juveniles in non-secure custody may be handcuffed but not to a stationary or secure object. Personal supervision, through direct visual monitoring and audio two-way communication, is maintained. Monitoring through electronic devices, such as video, does not replace direct visual observation.

**Secure custody** - When a juvenile offender is held in a locked room, a set of rooms, or a cell. Examples of secure custody include:

- (a) A juvenile left alone in an unlocked room within the secure perimeter of the adult temporary holding area.
- (b) A juvenile placed in a room that contains doors with delayed egress devices that have a delay of more than 30 seconds.
- (c) A juvenile being processed in a secure booking area when an unsecure booking area is available.
- (d) A juvenile left alone in a secure booking area after being photographed and fingerprinted.
- (e) A juvenile placed in a cell within the adult temporary holding area, whether or not the cell door is locked.
- (f) A juvenile placed in a room that is capable of being locked or contains a fixed object designed for cuffing or restricting movement.

**Sight and sound separation** - Located or arranged to prevent physical, visual, or auditory contact.

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#### *Temporary Custody of Juveniles*

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**Status offender** - A juvenile suspected of committing a criminal violation of the law that would not be a criminal violation but for the age of the offender. Examples may include running away, underage possession of tobacco, curfew violation, or truancy. A juvenile in custody on a court order or warrant based upon a status offense is also a status offender.

#### **312.2 POLICY**

The Mount Healthy Police Department is committed to releasing juveniles from temporary custody as soon as reasonably practicable and keeping juveniles safe while they are in temporary custody at the Mount Healthy Police Department. Juveniles should be held in temporary custody only for as long as reasonably necessary for processing, transfer or release.

#### **312.3 PROCEDURES FOR CUSTODY**

If an officer develops probable cause against a juvenile and the act committed is a chargeable offense for an adult (not a status offense), the officer shall:

- (a) Determine whether the juvenile is alleged to have engaged in other non-criminal or status offenses. (CALEA 44.2.2a)
- (b) Take the juvenile into custody and complete the associated paperwork for an arrest. (CALEA 44.2.2a)
- (c) Determine whether the juvenile is alleged to have been harmed or to be in danger of harm. (CALEA 44.2.2b)
- (d) Ensure that the constitutional rights of the juvenile offender are protected. (CALEA 44.2.2c)
- (e) Bring the juvenile to the appropriate juvenile detention facility within a reasonable amount of time (unless the juvenile is in need of emergency medical treatment). Charges shall be processed in the county in which the alleged crime occurred. Final disposition of the case may be transferred to the juvenile's county of residence at the discretion of the adjudicating court. (CALEA 44.2.2d)
- (f) Make reasonable efforts to notify the juvenile's parent or legal custodian of the juvenile's location and impending charges. (CALEA 44.2.2e)
- (g) Prior to transport, search and restrain the offender as necessary for officer safety.
- (h) Keep the juvenile separated from any incarcerated adults and maintain constant supervision while in the officer's custody.

#### **312.4 JUVENILES WHO SHOULD NOT BE HELD**

Juveniles who exhibit any of the following conditions should not be held at the Mount Healthy Police Department:

- (a) Unconscious
- (b) Seriously injured
- (c) A known suicide risk or obviously severely emotionally disturbed
- (d) Significantly intoxicated

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- (e) Extremely violent or continuously violent

Officers taking custody of a juvenile who exhibits any of the above conditions should take reasonable steps to provide medical attention or mental health assistance and notify a supervisor of the situation.

These juveniles should not be held at the Mount Healthy Police Department unless they have been evaluated by a qualified medical and/or mental health professional.

If the officer taking custody of the juvenile believes the juvenile may be a suicide risk, the juvenile shall be under continuous direct supervision until evaluation, release or a transfer is completed.

#### **312.5 CUSTODY OF JUVENILES**

Officers should take custody of a juvenile and temporarily hold the juvenile at the Mount Healthy Police Department when there is no other lawful and practicable alternative to temporary custody. Refer to the Child Abuse Policy for additional information regarding detaining a juvenile that is suspected of being a victim.

No juvenile should be held in temporary custody at the Mount Healthy Police Department without authorization of the arresting officer's supervisor or the Shift Supervisor.

Any juvenile taken into custody shall be released to the care of the juvenile's parent or other responsible adult, or transferred to a juvenile custody facility or to other authority as soon as practicable, and in no event shall a juvenile be held beyond three hours, or six if being held for a felony, from the time of his/her entry into the Mount Healthy Police Department (34 USC § 11133; ORC § 2151.311).

##### **312.5.1 CUSTODY OF JUVENILE NON-OFFENDERS**

Non-offenders taken into protective custody in compliance with the Child Abuse Policy should generally not be held at the Mount Healthy Police Department. Custodial arrangements should be made for non-offenders as soon as reasonably possible. Juvenile non-offenders may not be held in secure custody (34 USC § 11133).

##### **312.5.2 CUSTODY OF JUVENILE STATUS OFFENDERS**

Status offenders should generally be released by citation or with a warning rather than taken into temporary custody. However, officers may take custody of a status offender if requested to do so by a parent or legal guardian in order to facilitate reunification (e.g., transported home or to the station to await a parent). Juvenile status offenders may not be held in secure custody (34 USC § 11133).

##### **312.5.3 ENFORCEMENT ALTERNATIVES**

- (a) In dealing with juvenile offenders, all members will use the best corrective action among reasonable alternatives, consistent with preserving public safety, order, and individual liberty. Any action taken must conform to; Police Department policy.
- (b) Keeping with this philosophy, members may utilize the below listed alternatives, which include referral to Juvenile Court:



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1. Release with no further action. This can also include giving a verbal warning at the scene. (CALEA 44.2.1 a)
  - (a) Closed NTA required.
2. Parent/juvenile conference or reprimand and release; the juvenile is then released to a parent or guardian.
3. Citation, either traffic or non-traffic. (CALEA 44.2.1 b)
4. Diversionary or treatment programs. (CALEA 44.2.1 c)
5. Referral to the juvenile court system. (CALEA 44.2.1 d)
6. Criminal charges in adult court.

#### **312.5.4 CUSTODY OF JUVENILE OFFENDERS**

Juvenile offenders should be held in non-secure custody while at the Mount Healthy Police Department unless another form of custody is authorized by this policy or is necessary due to exigent circumstances.

Generally, juvenile offenders may be taken into custody under the following circumstances (ORC § 2151.31(A)):

- (a) Pursuant to a court order.
- (b) Pursuant to the laws that would subject an adult to arrest.

An officer shall promptly release the juvenile to his/her parents, guardian or other custodian unless circumstances indicate that detention or shelter care of the juvenile is warranted (ORC § 2151.311(A)).

#### **312.6 ADVISEMENTS**

If the officer brings the juvenile directly to court or delivers the juvenile to a place of detention or shelter care, he/she shall promptly notify the juvenile's parent, guardian or other custodian of the juvenile's location and reason for the detention (ORC § 2151.311(A)).

#### **312.7 JUVENILE CUSTODY LOGS**

Any time a juvenile is held in custody at the Department, the detention shall be promptly and properly documented in the juvenile custody log, including:

- (a) Identifying information about the juvenile being held.
- (b) Date and time of arrival and release from the Mount Healthy Police Department.
- (c) Shift Supervisor notification and approval to temporarily hold the juvenile.
- (d) Any charges for which the juvenile is being held and classification of the juvenile as a juvenile offender, status offender, or non-offender.
- (e) Any changes in status.
- (f) Time of all welfare checks.
- (g) Any medical and other screening requested and completed.

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- (h) Circumstances that justify any secure custody.
- (i) Any other information that may be required by other authorities, such as compliance inspectors or a local juvenile court authority.

The Shift Supervisor shall initial the log to approve the detention, including any secure custody, and shall also initial the log when the juvenile is released.

#### **312.8 NO-CONTACT REQUIREMENTS**

Sight and sound separation shall be maintained between all juveniles and adults while in custody at the Department (34 USC § 11133; ORC § 2151.311). There should also be sight and sound separation between non-offenders and juvenile and status offenders.

In situations where brief or accidental contact may occur (e.g., during the brief time a juvenile is being fingerprinted and/or photographed in booking), a member of the Mount Healthy Police Department shall maintain a constant, immediate presence with the juvenile or the adult to minimize any contact. If inadvertent or accidental contact does occur, reasonable efforts shall be taken to end the contact.

#### **312.9 TEMPORARY CUSTODY REQUIREMENTS**

Members and supervisors assigned to monitor or process any juvenile at the Mount Healthy Police Department shall ensure the following:

- (a) The Shift Supervisor should be notified if it is anticipated that a juvenile may need to remain at the Mount Healthy Police Department more than four hours for a felony offense, or two hours if being held for any other reason (ORC § 2151.311). This will enable the Shift Supervisor to ensure no juvenile is held at the Mount Healthy Police Department longer than permitted.
- (b) A staff member of the same sex shall supervise personal hygiene activities and care, such as changing clothing or using the restroom, without direct observation to allow for privacy.
- (c) Personal visual checks and significant incidents/activities shall be noted on the log.
- (d) There shall be no viewing devices, such as peep holes or mirrors, of which the juvenile is not aware. Therefore, an employee should inform a juvenile under his/her care that the juvenile will be monitored at all times, unless he/she is using the toilet. This does not apply to surreptitious and legally obtained recorded interrogations.
- (e) Juveniles shall have reasonable access to toilets and wash basins.
- (f) Food should be provided if a juvenile has not eaten within the past four hours or is otherwise in need of nourishment, including any special diet required for the health of the juvenile.
- (g) Juveniles shall have reasonable access to a drinking fountain or water.
- (h) Juveniles shall have reasonable opportunities to stand and stretch, particularly if handcuffed or restrained in any way.
- (i) Juveniles should have privacy during family, guardian and/or lawyer visits.

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- (j) Juveniles should be permitted to remain in their personal clothing unless the clothing is taken as evidence or is otherwise unsuitable or inadequate for continued wear while in custody.
- (k) Blankets should be provided as reasonably necessary.
- (l) Adequate shelter, heat, light and ventilation should be provided without compromising security or enabling escape.
- (m) Juveniles shall have adequate furnishings, including suitable chairs or benches.
- (n) Juveniles shall have the right to the same number of telephone calls as an adult in custody.
- (o) No discipline may be administered to any juvenile, nor may juveniles be subjected to corporal or unusual punishment, humiliation or mental abuse.
- (p) Juveniles shall not be handcuffed or secured to a fixed object during temporary custody at the Mount Healthy Police Department (ORC § 2151.311).

#### **312.10 USE OF RESTRAINT DEVICES**

Juvenile offenders may be handcuffed in accordance with the Handcuffing and Restraints Policy. A juvenile offender may be handcuffed at the Mount Healthy Police Department when the juvenile presents a heightened risk. However, non-offenders and status offenders should not be handcuffed unless they are combative or threatening.

Other restraints shall only be used after less restrictive measures have failed and with the approval of the Shift Supervisor. Restraints shall only be used so long as it reasonably appears necessary for the juvenile's protection or the protection of others.

Juveniles in restraints shall be kept away from other unrestrained individuals in custody and monitored to protect them from abuse.

##### **312.10.1 PREGNANT JUVENILES**

Juveniles who are known to be pregnant or in any period of postpartum recovery (which can be up to six weeks after delivery) may only be restrained in accordance with the Handcuffing and Restraints Policy (ORC § 2152.75).

#### **312.11 PERSONAL PROPERTY**

The officer taking custody of a juvenile offender or status offender at the Mount Healthy Police Department shall ensure a thorough search of the juvenile's property is made and all property is removed from the juvenile, especially those items that could compromise safety, such as pens, pencils and belts.

The personal property of a juvenile should be placed in a property bag. The property should be inventoried in the juvenile's presence and sealed into the bag. The property should be kept in a monitored or secure location until the juvenile is released from the custody of the Mount Healthy Police Department.

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#### **312.12 SECURE CUSTODY**

Only juvenile offenders 14 years or older may be placed in secure custody. Shift Supervisor approval is required before placing a juvenile offender in secure custody.

Secure custody should only be used for juvenile offenders when there is a reasonable belief that the juvenile is a serious risk of harm to him/herself or others.

Members of this department should not use secure custody for convenience when non-secure custody is, or later becomes, a reasonable option.

##### **312.12.1 LOCKED ENCLOSURES**

A thorough inspection of the area shall be conducted before placing a juvenile into the enclosure. A second inspection shall be conducted after removing the juvenile. Any damage noted to the room should be photographed and documented in the crime report.

The following requirements shall apply to a juvenile offender who is held inside a locked enclosure:

- (a) The juvenile shall constantly be monitored by an audio/video system during the entire detention.
- (b) Juveniles shall have constant auditory access to department members.
- (c) Initial placement into and removal from a locked enclosure shall be logged.
- (d) Random personal visual checks of the juvenile by staff member shall occur no less than every 15 minutes.
  - 1. All checks shall be logged.
  - 2. The check should involve questioning the juvenile as to his/her well-being (sleeping juveniles or apparently sleeping juveniles should be awakened).
  - 3. Requests or concerns of the juvenile should be logged.
- (e) Males and females shall not be placed in the same locked room.
- (f) Juvenile offenders should be separated according to severity of the crime (e.g., felony or misdemeanor).
- (g) Restrained juveniles shall not be mixed in a cell or room with unrestrained juveniles.

#### **312.13 SUICIDE ATTEMPT, DEATH, OR SERIOUS INJURY OF A JUVENILE**

The Shift Supervisor will ensure procedures are in place to address the suicide attempt, death, or serious injury of any juvenile held at the Mount Healthy Police Department. The procedures will address:

- (a) Immediate notification of the on-duty supervisor, Chief of Police, and Investigation Section supervisor.
- (b) Notification of the parent, guardian, or person standing in loco parentis of the juvenile.
- (c) Notification of the appropriate prosecutor.
- (d) Notification of the City Attorney.

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- (e) Evidence preservation.

#### **312.14 CUSTODIAL INTERROGATION AND NON-CUSTODIAL INTERVIEWS**

No interview or interrogation of a juvenile should occur unless the juvenile has the apparent capacity to consent, and does consent to an interview or interrogation.

- (a) **Custodial Interviews:** [CALEA 44.2.3.a] Department members shall ensure the rights of juveniles are protected.

1. **Custody:** Upon taking a child into custody, a law enforcement officer may deliver the child, for temporary custody not to exceed 6 hours, to a secure booking area of a jail or other facility intended or used for the detention of adults, for the purpose of fingerprinting or photographing the child or awaiting appropriate transport to the department provided no regular sight and sound contact between the child and adult inmates or trustees is permitted and the receiving facility has adequate staff to supervise and monitor the child's activities at all times.

2. **Advisement:**

- (a) Before questioning a juvenile offender under the age of fourteen (14), the parent(s) or legal guardian of the juvenile should be contacted and asked if they desire to be present during the interview. Juveniles should be read their Miranda rights in the presence of their parent or legal guardian.
- (b) Juvenile offenders who are fourteen (14) years old or older may be questioned without a parent or legal guardian. Such juveniles should be afforded the same rights (i.e., Miranda) as an adult offender. A juvenile's past record and demeanor may be considered by an officer to determine whether a parent or legal guardian should be allowed to be present to observe an interview.
- (c) Family members, clergy, or others may be allowed at the officer's discretion; and,
- (d) Attorneys will be permitted access when the person requests one.
- (e) No more than two interviewers should be present during the interview.
- (f) Juveniles shall not be interviewed for an unreasonable length of time, and the duration of the interview shall be governed by the nature and severity of the crime(s) under investigation.

- (b) **Non-Custodial Interviews:** [CALEA 44.2.3.b]

1. When reasonably possible, the juvenile's parent or legal guardian should be contacted. The legal custodian need not be present during the interview.
2. The interview should be limited in time and reasonable breaks provided before subsequent questioning.
3. Be on the juvenile's level; sit with the juvenile rather than across a table or standing over him or her.

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4. Begin by introducing all involved parties by first and last name and explaining the purpose of the interview. Refer to the juvenile by name.
5. Do not make promises or other coercive statements, whether direct or implied.
6. Speak in non-threatening tones and attempt to create a sense of honesty and openness. Keep an open posture.
7. Build rapport prior to questioning. Find common ground and start with a topic that addresses the juvenile's interests such as his or her favorite television show or activity.
8. Allow the juvenile to talk freely - do not interrupt.
9. Emphasize the importance of telling the truth and reinforce the idea of honesty if appropriate in the interview.
10. Remain neutral to the juvenile's responses.
11. Use follow-up questions to clarify any ambiguities only after the information available from open-ended questions has been exhausted.
12. Close the interview by asking the juvenile if he or she has any questions.

#### **312.15 RESTRICTION ON FINGERPRINTING AND PHOTOGRAPHING**

An officer may fingerprint and photograph a juvenile offender taken into custody for committing a felony offense or any other offense that is not a minor misdemeanor or traffic offense and shall inform the juvenile court as required in accordance with the Contacts and Temporary Detentions Policy (ORC § 2151.313).

The fingerprints and photographs shall be maintained in accordance with ORC § 2151.313.

#### **312.16 JUVENILE OPERATIONS POLICY**

##### (a) Juvenile Operations

1. All Mount Healthy Police Officers are responsible for:
  - (a) Follow up and/or review of juvenile delinquency activity and arrests (felony and misdemeanor);
  - (b) Assisting or handling investigations in which juveniles are suspects or victims of crime;
  - (c) Maintaining liaison with the Hamilton County Juvenile Court;
  - (d) Serving as a resource on juvenile-related matters.

## Adult or Vulnerable Person Abuse

### 313.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the investigation and reporting of suspected abuse of certain persons who may be more vulnerable than others. This policy also addresses mandatory notification for Mount Healthy Police Department members as required by law.

#### 313.1.1 DEFINITIONS

Definitions related to this policy include:

**Adult abuse** - Any offense or attempted offense involving violence or neglect of an adult victim when committed by a person responsible for the adult's care, or any other act that would mandate reporting or notification to a social service agency or law enforcement.

**Vulnerable person** – A person of any age with a developmental disability.

### 313.2 POLICY

The Mount Healthy Police Department will investigate all reported incidents of alleged adult or vulnerable person abuse and ensure proper reporting and notification as required by law.

### 313.3 MANDATORY NOTIFICATION

Members of the Mount Healthy Police Department shall notify the county department of job and family services (CDJFS) when there is reasonable cause to believe that an adult age 60 years or older is being abused, neglected or exploited, or is in a condition that is the result of abuse, neglect or exploitation (ORC § 5101.61). Regardless of the person's age, if the member reasonably believes that the person has a developmental disability and has suffered, or faces a substantial risk of suffering, abuse or neglect, the county board of developmental disabilities shall also be notified (ORC § 5123.61).

#### 313.3.1 NOTIFICATION PROCEDURE

Notification may be made verbally or in writing and shall contain the basis for the member's belief that the person has been abused, along with the following information, if known (ORC § 5101.61; ORC § 5123.61):

- (a) The name, address, and telephone numbers of the following individuals:
  1. Victim
  2. The victim's caregiver
  3. If known, the alleged perpetrator (if different than the caregiver)
  4. Any other known household members or collateral sources
- (b) The approximate age of the victim, along with the nature and extent of the alleged abuse, neglect, or exploitation
- (c) The date and time the allegation of abuse was received by this department

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#### *Adult or Vulnerable Person Abuse*

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#### **313.4 QUALIFIED INVESTIGATORS**

Qualified investigators should be available to investigate cases of adult or vulnerable person abuse. These investigators should:

- (a) Conduct interviews in appropriate interview facilities.
- (b) Be familiar with forensic interview techniques specific to adult or vulnerable person abuse investigations.
- (c) Present all cases of alleged adult or vulnerable person abuse to the prosecutor for review.
- (d) Coordinate with other enforcement agencies, social service agencies and facility administrators as needed.
- (e) Provide referrals to therapy services, victim advocates, guardians and support for the victim and family as appropriate.
- (f) Participate in or coordinate with multidisciplinary investigative teams as applicable.

#### **313.5 INVESTIGATIONS AND REPORTING**

All reported or suspected cases of adult or vulnerable person abuse require investigation and a report, even if the allegations appear unfounded or unsubstantiated.

Investigations and reports related to suspected cases of adult or vulnerable person abuse should address, as applicable:

- (a) The overall basis for the contact. This should be done by the investigating officer in all circumstances where a suspected adult or vulnerable person abuse victim is contacted.
- (b) Any relevant statements the victim may have made and to whom he/she made the statements.
- (c) If a person is taken into protective custody, the reasons, the name and title of the person making the decision, and why other alternatives were not appropriate.
- (d) Documentation of any visible injuries or any injuries identified by the victim. This should include photographs of such injuries, if practicable.
- (e) Whether the victim was transported for medical treatment or a medical examination.
- (f) Whether the victim identified a household member as the alleged perpetrator, and a list of the names of any other potential victims or witnesses who may reside in the residence.
- (g) Identification of any prior related reports or allegations of abuse, including other jurisdictions, as reasonably known.
- (h) Previous addresses of the victim and suspect.
- (i) Other potential witnesses who have not yet been interviewed, such as relatives or others close to the victim's environment.



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Any unexplained death of an adult or vulnerable person who was in the care of a guardian or caretaker should be considered as potential adult or vulnerable person abuse and investigated similarly.

#### **313.6 PROTECTIVE CUSTODY**

Before taking a victim into protective custody when facts indicate the adult or vulnerable person may not be able to care for him/herself, the officer should make reasonable attempts to contact CDJFS or the county board of developmental disabilities, as appropriate under the circumstances. Generally, removal of a victim from his/her family, guardian or other responsible adult should be left to the welfare authorities when they are present or have become involved in an investigation.

Generally, members of this department should remove a victim from his/her family or guardian without a court order only when no other effective alternative is reasonably available and immediate action reasonably appears necessary to protect the victim. Prior to taking a victim into protective custody, the officer should take reasonable steps to deliver the adult or vulnerable person to another qualified legal guardian, unless it reasonably appears that the release would endanger the victim or result in abduction. If this is not a reasonable option, the officer shall ensure that the person is delivered to CDJFS or the county board of developmental disabilities, as appropriate under the circumstances.

Whenever practicable, the officer should inform a supervisor of the circumstances prior to taking a victim into protective custody. If prior notification is not practicable, officers should contact a supervisor promptly after taking the victim into protective custody.

When victims are under state control, have a state-appointed guardian or there are other legal holdings for guardianship, it may be necessary or reasonable to seek a court order on behalf of the victim to either remove the victim from a dangerous environment (protective custody) or restrain a person from contact with the victim.

#### **313.7 INTERVIEWS**

##### **313.7.1 PRELIMINARY INTERVIEWS**

Absent extenuating circumstances or impracticality, officers should audio record the preliminary interview with a suspected abuse victim. Officers should avoid multiple interviews with the victim and should attempt to gather only the information necessary to begin an investigation. When practicable, investigating officers should defer interviews until a person who is specially trained in such interviews is available.

##### **313.7.2 DETAINING VICTIMS FOR INTERVIEWS**

An officer should not detain a victim involuntarily who is suspected of being a victim of abuse solely for the purpose of an interview or physical exam without his/her consent or the consent of a guardian unless one of the following applies:

- (a) Exigent circumstances exist, such as:

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1. A reasonable belief that medical issues of the victim need to be addressed immediately.
  2. A reasonable belief that the victim is or will be in danger of harm if the interview or physical exam is not immediately completed.
  3. The alleged offender is a family member or guardian and there is reason to believe the victim may be in continued danger.
- (b) A court order or warrant has been issued.

#### **313.8 MEDICAL EXAMINATIONS**

When an adult or vulnerable person abuse investigation requires a medical examination, the investigating officer should obtain consent for such examination from the victim, guardian, agency or entity having legal custody of the victim. The officer should also arrange for the victim's transportation to the appropriate medical facility.

In cases where the alleged offender is a family member, guardian, agency or entity having legal custody and is refusing to give consent for the medical examination, officers should notify a supervisor before proceeding. If exigent circumstances do not exist or if state law does not provide for officers to take the victim for a medical examination, the supervisor should consider other government agencies or services that may obtain a court order for such an examination.

#### **313.9 DRUG-ENDANGERED VICTIMS**

A coordinated response by law enforcement and social services agencies is appropriate to meet the immediate and longer-term medical and safety needs of a victim who has been exposed to the manufacturing, trafficking or use of narcotics.

##### **313.9.1 SUPERVISOR RESPONSIBILITIES**

The Investigation Section supervisor should:

- (a) Work with professionals from the appropriate agencies, including CDJFS or the county board of developmental disabilities, other law enforcement agencies, medical service providers and local prosecutors to develop community specific procedures for responding to situations where there are victims endangered by exposure to methamphetamine labs or the manufacture and trafficking of other drugs.
- (b) Activate any available interagency response when an officer notifies the Investigation Section supervisor that he/she has responded to a drug lab or other narcotics crime scene where a victim is present or where evidence indicates that a victim lives there.
- (c) Develop a report format or checklist for use when officers respond to drug labs or other narcotics crime scenes. The checklist will help officers document the environmental, medical, social and other conditions that may affect the victim.

##### **313.9.2 OFFICER RESPONSIBILITIES**

Officers responding to a drug lab or other narcotics crime scene where an abuse victim is present or where there is evidence that a victim lives there should:

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- (a) Document the environmental, medical, social and other conditions of the victim, using photography as appropriate and the checklist or form developed for this purpose.
- (b) Notify the Investigation Section supervisor so an interagency response can begin.

#### **313.10 STATE MANDATES AND OTHER RELEVANT LAWS**

Ohio requires that all investigations involving abuse of an adult or vulnerable person be conducted jointly between department members and the appropriate social service agency.

##### 313.10.1 POLICE CLERK RESPONSIBILITIES

The Police Clerk is responsible for:

- (a) Providing a copy of the adult or vulnerable person abuse report to CDJFS or the county board of developmental disabilities as required by law.
- (b) Retaining the original adult or vulnerable person abuse report with the initial case file.

##### 313.10.2 RELEASE OF REPORTS

Information related to incidents of adult or vulnerable person abuse or suspected adult or vulnerable person abuse shall be confidential and are not considered a public record (ORC § 5101.61; ORC § 5123.61).

#### **313.11 TRAINING**

The Department should provide training on best practices in adult or vulnerable person abuse investigations to members tasked with investigating these cases. The training should include:

- (a) Participating in multidisciplinary investigations, as appropriate.
- (b) Conducting interviews.
- (c) Availability of therapy services for adults or vulnerable persons and their families.
- (d) Availability of specialized forensic medical exams.
- (e) Cultural competence (including interpretive services) related to adult or vulnerable person abuse investigations.
- (f) Availability of victim advocates or other support.

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## Discriminatory Harassment

### 314.1 PURPOSE AND SCOPE

The purpose of this policy is to prevent Department members from being subjected to discriminatory harassment, including sexual harassment and retaliation. Nothing in this policy is intended to create a legal or employment right or duty that is not created by law.

#### 314.1.1 CERTIFICATION STANDARDS

This policy contains content that pertains to the following Ohio Collaborative Law Enforcement Agency Certification (OCLEAC) Standard: 8.2015.2

[See attachment: OCLEAC Standards Compliance Checklist 8.2015.2.pdf](#)

### 314.2 POLICY

The Mount Healthy Police Department is an equal opportunity employer and is committed to creating and maintaining a work environment that is free of all forms of discriminatory harassment, including sexual harassment and retaliation. The Department will not tolerate discrimination against members in hiring, promotion, discharge, compensation, fringe benefits and other privileges of employment. The Department will take preventive and corrective action to address any behavior that violates this policy or the rights it is designed to protect.

The non-discrimination policies of the Department may be more comprehensive than state or federal law. Conduct that violates this policy may not violate state or federal law but still could subject a member to discipline.

### 314.3 DEFINITIONS

Definitions related to this policy include:

#### 314.3.1 DISCRIMINATION

The Department prohibits all forms of discrimination, including any employment-related action by a member that adversely affects an applicant or member and is based on actual or perceived race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, age, disability, pregnancy, genetic information, veteran status, marital status, and any other classification or status protected by law.

Discriminatory harassment, including sexual harassment, is verbal or physical conduct that demeans or shows hostility or aversion toward an individual based upon that individual's protected class. It has the effect of interfering with an individual's work performance or creating a hostile or abusive work environment.

Conduct that may, under certain circumstances, constitute discriminatory harassment, can include making derogatory comments; making crude and offensive statements or remarks; making slurs or off-color jokes; stereotyping; engaging in threatening acts; making indecent gestures, pictures, cartoons, posters, or material; making inappropriate physical contact; or using written material or

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department equipment and/or systems to transmit or receive offensive material, statements, or pictures. Such conduct is contrary to policy and to a work environment that is free of discrimination.

#### 314.3.2 RETALIATION

Retaliation is treating a person differently or engaging in acts of reprisal or intimidation against the person because the person has engaged in protected activity, filed a charge of discrimination, participated in an investigation, or opposed a discriminatory practice. Retaliation will not be tolerated.

#### 314.3.3 SEXUAL HARASSMENT

The Department prohibits all forms of discrimination and discriminatory harassment, including sexual harassment. It is unlawful to harass an applicant or a member because of that person's sex.

Sexual harassment includes but is not limited to unwelcome sexual advances, requests for sexual favors, or other verbal, visual, or physical conduct of a sexual nature when:

- (a) Submission to such conduct is made either explicitly or implicitly a term or condition of employment, position, or compensation.
- (b) Submission to or rejection of such conduct is used as the basis for employment decisions affecting the member.
- (c) Such conduct that has the purpose or effect of substantially interfering with a member's work performance or creating an intimidating, hostile, or offensive work environment.

#### 314.3.4 ADDITIONAL CONSIDERATIONS

Discrimination and discriminatory harassment do not include actions that are in accordance with established rules, principles, or standards, including:

- (a) Acts or omission of acts based solely upon bona fide occupational qualifications under the Equal Employment Opportunity Commission (EEOC) and the Ohio Civil Rights Commission.
- (b) Bona fide requests or demands by a supervisor that the member improve the member's work quality or output, that the member report to the job site on time, that the member comply with City or department rules or regulations, or any other appropriate work-related communications between supervisor and member.

#### 314.4 RESPONSIBILITIES

This policy applies to all department personnel. All members shall follow the intent of these guidelines in a manner that reflects department policy, professional law enforcement standards and the best interest of the Department and its mission (ORC § 4112.02).

Members are encouraged to promptly report any discriminatory, retaliatory or harassing conduct or known violations of this policy to a supervisor. Any member who is not comfortable with reporting violations of this policy to their immediate supervisor may bypass the chain of command and make the report to a higher ranking supervisor or manager. Complaints may also be filed with the Chief of Police, Assistant Finance Director or the City Manager.

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Any member who believes, in good faith, that he/she has been discriminated against, harassed, subjected to retaliation, or who has observed harassment or discrimination, is encouraged to promptly report such conduct in accordance with the procedures set forth in this policy.

Supervisors and managers receiving information regarding alleged violations of this policy shall determine if there is any basis for the allegation and shall proceed with resolution as stated below.

#### **314.4.1 SUPERVISOR RESPONSIBILITIES**

The responsibilities of supervisors and managers shall include but are not limited to:

- (a) Continually monitoring the work environment and striving to ensure that it is free from all types of unlawful discrimination, including harassment, or retaliation.
- (b) Taking prompt, appropriate action within their work units to avoid and minimize the incidence of any form of discrimination, harassment, or retaliation.
- (c) Ensuring their subordinates understand their responsibilities under this policy.
- (d) Ensuring that members who make complaints or who oppose any unlawful employment practices are protected from retaliation and that such matters are kept confidential to the extent possible.
- (e) Making a timely determination regarding the substance of any allegation based upon all available facts.
- (f) Notifying the Chief of Police or the Assistant Finance Director in writing of the circumstances surrounding any reported allegations or observed acts of discrimination, harassment, or retaliation no later than the next business day.

#### **314.4.2 SUPERVISOR'S ROLE**

Supervisors and managers shall be aware of the following:

- (a) Behavior of supervisors and managers should represent the values of the Department and professional standards.
- (b) False or mistaken accusations of discrimination, harassment, or retaliation can have negative effects on the careers of innocent members.

Nothing in this section shall be construed to prevent supervisors or managers from discharging supervisory or management responsibilities, such as determining duty assignments, evaluating or counseling members, or issuing discipline, in a manner that is consistent with established procedures.

#### **314.4.3 QUESTIONS OR CLARIFICATION**

Members with questions regarding what constitutes discrimination, sexual harassment, or retaliation are encouraged to contact a supervisor, a manager, the Chief of Police, the Assistant Finance Director, or the City Manager for further information, direction, or clarification.

#### **314.5 INVESTIGATION OF COMPLAINTS**

Various methods of resolution exist. During the pendency of any such investigation, the supervisor of the involved members should take prompt and reasonable steps to mitigate or eliminate

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any continuing abusive or hostile work environment. It is the policy of the Department that all complaints of discrimination, retaliation, or harassment shall be fully documented, and promptly and thoroughly investigated.

##### **314.5.1 SUPERVISOR RESOLUTION**

Members who believe they are experiencing discrimination, harassment, or retaliation should be encouraged to inform the individual that the behavior is unwelcome, offensive, unprofessional, or inappropriate. However, if the member feels uncomfortable, or threatened or has difficulty expressing the member's concern, or if this does not resolve the concern, assistance should be sought from a supervisor or manager who is a rank higher than the alleged transgressor.

##### **314.5.2 FORMAL INVESTIGATION**

If the complaint cannot be satisfactorily resolved through the process described above, a formal investigation will be conducted.

The person assigned to investigate the complaint will have full authority to investigate all aspects of the complaint. Investigative authority includes access to records and the cooperation of any members involved. No influence will be used to suppress any complaint and no member will be subject to retaliation or reprisal for filing a complaint, encouraging others to file a complaint, or for offering testimony or evidence in an investigation.

Formal investigation of the complaint will be confidential to the extent possible and will include but not be limited to details of the specific incident, frequency and dates of occurrences, and names of any witnesses. Witnesses will be advised regarding the prohibition against retaliation, and that a disciplinary process, up to and including termination, may result if retaliation occurs.

Members who believe they have been discriminated against, harassed, or retaliated against because of their protected status are encouraged to follow the chain of command but may also file a complaint directly with the Chief of Police, the Assistant Finance Director, or the City Manager.

##### **314.5.3 ALTERNATIVE COMPLAINT PROCESS**

No provision of this policy shall be construed to prevent any member from seeking legal redress outside the Department. Members who believe that they have been harassed, discriminated against, or retaliated against are entitled to bring complaints of employment discrimination to federal, state, and/or local agencies responsible for investigating such allegations. Specific time limitations apply to the filing of such charges. Members are advised that proceeding with complaints under the provisions of this policy does not in any way affect those filing requirements.

#### **314.6 NOTIFICATION OF DISPOSITION**

The complainant and/or victim will be notified in writing of the disposition of the investigation and the action taken to remedy or address the circumstances giving rise to the complaint.

#### **314.7 DOCUMENTATION OF COMPLAINTS**

All complaints or allegations shall be thoroughly documented on the appropriate forms and in a manner designated by the Chief of Police. The outcome of all reports shall be:

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- (a) Approved by the Chief of Police, the City Manager, or the Assistant Finance Director, depending on the ranks of the involved parties.
- (b) Maintained in accordance with the established records retention schedule.

#### 314.7.1 NOTIFICATION OF DISPOSITION

The complainant and/or victim will be notified in writing of the disposition of the investigation and the action taken to remedy or address the circumstances giving rise to the complaint.

#### **314.8 TRAINING**

All new members shall be provided with a copy of this policy as part of their orientation. The policy shall be reviewed with each new member. The member shall certify by signing the prescribed form that the member has been advised of this policy, is aware of and understands its contents, and agrees to abide by its provisions during the member's term of employment.

All members shall receive annual training on the requirements of this policy and shall certify by signing the prescribed form that they have reviewed the policy, understand its contents, and agree that they will continue to abide by its provisions.



## Child Abuse

### 315.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the investigation of suspected child abuse. This policy also addresses when Mount Healthy Police Department members are required to notify the appropriate public children services agency (PCSA) of suspected child abuse.

#### 315.1.1 DEFINITIONS

Definitions related to this policy include:

**Child** - Unless otherwise specified by a cited statute, a child is any person under the age of 18 years.

**Child abuse** - Any offense or attempted offense involving violence or neglect with a child victim when committed by a person responsible for the child's care or any other act that would mandate notification to a social service agency (ORC § 2151.421).

### 315.2 POLICY

The Mount Healthy Police Department will investigate all reported incidents of alleged criminal child abuse and ensure the PCSA is notified as required by law.

### 315.3 MANDATORY NOTIFICATION

Members of the Mount Healthy Police Department shall notify the PCSA when they receive a report of possible abuse or neglect of a child, or the possible threat of abuse or neglect of a child. This mandated notification applies to allegations involving a child who is under the age of 18 years or an individual who is under the age of 21 years and is intellectually disabled, developmentally disabled or physically impaired (ORC § 2151.421).

For purposes of notification, abuse and neglect includes sexual offenses, child endangering, physical or mental injury or death, out-of-home care child abuse or neglect, abandonment, illegal adoptions, or withholding or refusing care or treatment necessary for the child's health, morals or well-being, and any other act, as provided in ORC § 2151.03 and ORC § 2151.031.

#### 315.3.1 NOTIFICATION PROCEDURE

Notification should occur as follows (ORC § 2151.421):

- (a) Notification should be made immediately by telephone or in person to the PCSA in the county in which the child resides or in which the abuse or neglect is occurring or has occurred.
- (b) Notification, when possible, should include:
  1. The name, address, and age of the child.
  2. The name and address of the child's parents or other person having custody of the child.
  3. The nature and extent of the injury, abuse, or neglect.

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4. Any evidence of a threat of injury, abuse, or neglect, including any evidence of previous injuries, abuse, or neglect.
  5. Any other information that might be helpful.
- (c) The member shall notify the person who provides information regarding the alleged abuse or neglect of the child of his/her right to request certain basic information regarding the investigation. The member shall document the notification along with the person's name, address, and telephone number in the related report (ORC § 2151.421).
- (d) Any other notifications should be made as set forth in the existing Memorandum of Understanding (MOU) with the PCSA (ORC § 2151.421).

If the child is a delinquent in the custody of a Department of Youth Services controlled or contracted institution, any notification shall be made to the Ohio State Highway Patrol (ORC § 5139.12).

#### **315.4 QUALIFIED INVESTIGATORS**

Qualified investigators should be available for child abuse investigations. These investigators should:

- (a) Conduct interviews in child-appropriate interview facilities.
- (b) Be familiar with forensic interview techniques specific to child abuse investigations.
- (c) Present all cases of alleged child abuse to the prosecutor for review.
- (d) Coordinate with other enforcement agencies, social service agencies, and school administrators as needed.
- (e) Provide referrals to therapy services, victim advocates, guardians, and support for the child and family as appropriate.
- (f) Participate in or coordinate with multidisciplinary investigative teams as applicable and in accordance with the existing MOU with the PCSA (ORC § 2151.421).
- (g) Be familiar with and confirm that any applicable mortality review committees or boards receive information and documentation as required by state law. See the Death Investigation Policy for additional guidance.

#### **315.5 INVESTIGATIONS AND REPORTING**

In all reported or suspected cases of child abuse, a report will be written. Officers shall write a report even if the allegations appear unfounded or unsubstantiated.

Investigations and reports related to suspected cases of child abuse should address, as applicable:

- (a) The overall basis for the contact. This should be done by the investigating officer in all circumstances where a suspected child abuse victim was contacted.
- (b) The exigent circumstances that existed if officers interviewed the child victim without the presence of a parent or guardian.

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- (c) Any relevant statements the child may have made and to whom he/she made the statements.
- (d) If a child was taken into protective custody, the reasons, the name and title of the person making the decision, and why other alternatives were not appropriate.
- (e) Documentation of any visible injuries or any injuries identified by the child. This should include photographs of such injuries, if practicable.
- (f) Whether the child victim was transported for medical treatment or a medical examination.
- (g) Whether the victim identified a household member as the alleged perpetrator, and a list of the names of any other children who may reside in the residence.
- (h) Identification of any prior related reports or allegations of child abuse, including other jurisdictions, as reasonably known.
- (i) Previous addresses of the victim and suspect.
- (j) Other potential witnesses who have not yet been interviewed, such as relatives or others close to the victim's environment.
- (k) The investigatory steps, as set forth in the existing MOU with the PCSA, that should be followed when the terms apply to an allegation of child abuse (ORC § 2151.421).

All cases of the unexplained death of a child should be investigated as thoroughly as if it had been a case of suspected child abuse (e.g., a sudden or unexplained death of an infant).

#### **315.6 PROTECTIVE CUSTODY**

Before taking any child into protective custody, the officer should make reasonable attempts to contact the PCSA. Generally, removal of a child from the child's family, guardian, or other responsible adult should be left to the child welfare authorities when they are present or have become involved in an investigation (ORC § 2151.421).

Generally, members of this department should remove a child from the child's parent or guardian without a court order only when no other effective alternative is reasonably available and immediate action reasonably appears necessary to protect the child. Prior to taking a child into protective custody, the officer should take reasonable steps to deliver the child to another qualified parent or legal guardian, unless it reasonably appears that the release would endanger the child or result in abduction. If this is not a reasonable option, the officer shall ensure that the child is delivered to the PCSA.

Whenever practicable, the officer should inform a supervisor of the circumstances prior to taking a child into protective custody. If prior notification is not practicable, officers should contact a supervisor promptly after taking a child into protective custody.

Children may only be removed from a parent or guardian in the following situations (ORC § 2151.31; ORC § 2151.421):

- (a) When a court has issued an order authorizing the removal of a child.
- (b) Without a court order when:

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1. There are reasonable grounds to believe that the child is suffering from illness or injury and is not receiving proper care, and the child's removal is necessary to prevent immediate or threatened physical or emotional harm.
2. There are reasonable grounds to believe that the child is in immediate danger from the child's surroundings and that the child's removal is necessary to prevent immediate or threatened physical or emotional harm.
3. There are reasonable grounds to believe that a parent, guardian, custodian, or other household member has abused or neglected another child in the household, and that the child is in danger of immediate or threatened physical or emotional harm.

Officers shall not remove a child without consultation with the PCSA, unless the report of abuse or neglect was made by a physician and, in the judgment of the officer and the physician, immediate removal is considered essential to protect the child from further abuse or neglect.

#### **315.6.1 SAFE HAVENS FOR NEWBORNS**

A parent may voluntarily surrender a newborn infant who is 30 days old or younger with an officer of the Mount Healthy Police Department. The officer shall perform any act necessary to protect the newborn's health or safety and notify PCSA as soon as practicable (ORC § 2151.3516; ORC § 2151.3517; ORC § 2151.3518).

The surrendering parent should be provided and asked to complete a Department of Jobs and Family Services (JFS) medical history form for the child. The parent is not required to complete the form; however, if the parent refuses to complete the form, the parent should be encouraged to take the form and complete and return it at a later time (ORC § 2151.3518; ORC § 2151.3528).

The surrendering parent should also be offered any brochures prepared by the JFS regarding services available for parents and newborns (ORC § 2151.3518; ORC § 2151.3529).

A parent who voluntarily surrenders a newborn has the right to remain anonymous and shall not be coerced into revealing the parent's identity, completing medical forms, accepting brochures, followed, or pursued (ORC § 2151.3526; ORC § 2151.3529; ORC § 2151.3530).

The Safe Haven provisions do not apply if the child appears to have suffered child abuse or neglect and the officer should investigate the matter as a child abuse incident.

#### **315.7 INTERVIEWS**

##### **315.7.1 PRELIMINARY INTERVIEWS**

Absent extenuating circumstances or impracticality, officers should record the preliminary interview with suspected child abuse victims. Officers should avoid multiple interviews with a child victim and should attempt to gather only the information necessary to begin an investigation. When practicable, investigating officers should defer interviews until a person who is specially trained in such interviews is available. Generally, child victims should not be interviewed in the home or location where the alleged abuse occurred.

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#### **315.7.2 DETAINING SUSPECTED CHILD ABUSE VICTIMS FOR AN INTERVIEW**

An officer should not detain a child involuntarily who is suspected of being a victim of child abuse solely for the purpose of an interview or physical exam without the consent of a parent or guardian unless one of the following applies:

- (a) Exigent circumstances exist, such as:
  - 1. A reasonable belief that medical issues of the child need to be addressed immediately.
  - 2. A reasonable belief that the child is or will be in danger of harm if the interview or physical exam is not immediately completed.
  - 3. The alleged offender is the custodial parent or guardian and there is reason to believe the child may be in continued danger.
- (b) A court order or warrant has been issued.

#### **315.8 MEDICAL EXAMINATIONS**

If the child has been the victim of abuse that requires a medical examination, the investigating officer should obtain consent for such examination from the appropriate parent, guardian or agency having legal custody of the child. The officer should also arrange for the child's transportation to the appropriate medical facility.

In cases where the alleged offender is the custodial parent or guardian and is refusing consent for the medical examination, officers should notify a supervisor before proceeding. If exigent circumstances do not exist or if state law does not provide for officers to take the child for a medical examination, the notified supervisor should consider obtaining a court order for such an examination.

#### **315.9 DRUG-ENDANGERED CHILDREN**

A coordinated response by law enforcement and social services agencies is appropriate to meet the immediate and longer-term medical and safety needs of children exposed to the manufacturing, trafficking or use of narcotics.

##### **315.9.1 SUPERVISOR RESPONSIBILITIES**

The Supervisor should:

- (a) Work with professionals from the appropriate agencies, including the PCSA, other law enforcement agencies, medical service providers and local prosecutors to develop community specific procedures for responding to situations where there are children endangered by exposure to methamphetamine labs or the manufacture and trafficking of other drugs.
- (b) Activate any available interagency response when an officer notifies the Investigation Section Supervisor that the officer has responded to a drug lab or other narcotics crime scene where a child is present or where evidence indicates that a child lives there.

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- (c) Develop a report format or checklist for use when officers respond to drug labs or other narcotics crime scenes. The checklist will help officers document the environmental, medical, social and other conditions that may affect the child.

#### **315.9.2 OFFICER RESPONSIBILITIES**

Officers responding to a drug lab or other narcotics crime scene where a child is present or where there is evidence that a child lives should:

- (a) Document the environmental, medical, social and other conditions of the child using photography as appropriate and the checklist or form developed for this purpose.
- (b) Notify the Supervisor so an interagency response can begin.

#### **315.10 STATE MANDATES AND OTHER RELEVANT LAWS**

Ohio requires or permits the following:

##### **315.10.1 RELEASE OF REPORTS**

Information related to incidents of child abuse or suspected child abuse shall be confidential and may only be disclosed pursuant to state law and the Records Maintenance and Release Policy (ORC § 149.43 et seq.; ORC § 2151.421).

##### **315.10.2 MEMORANDUM OF UNDERSTANDING**

The Investigation Section supervisor should ensure that:

- (a) A current copy of the MOU with the PCSA regarding abuse and neglect investigations is available to all department members.
- (b) The MOU is reviewed and updated as required by law (ORC § 2151.421; OAC § 5101:2-33-26).

#### **315.11 TRAINING**

The Department should provide training on best practices in child abuse investigations to members tasked with investigating these cases. The training should include:

- (a) Participating in multidisciplinary investigations, as appropriate.
- (b) Conducting forensic interviews.
- (c) Availability of therapy services for children and families.
- (d) Availability of specialized forensic medical exams.
- (e) Cultural competence (including interpretive services) related to child abuse investigations.
- (f) Availability of victim advocate or guardian ad litem support.

## Missing Persons

### 316.1 PURPOSE AND SCOPE

This policy provides guidance for handling missing person investigations.

#### 316.1.1 DEFINITIONS

Definitions related to this policy include:

**At risk** - Includes persons who:

- (a) Are 13 years of age or younger.
- (b) Are 65 years of age or older or that have a mental impairment (ORC § 5502.522).
- (c) Are 17 years of age or younger that have run away from or are otherwise missing from the care, custody and control of the juvenile's parent, guardian or other person having responsibility for the care of the minor (ORC § 2901.30).
- (d) Regardless of age, are believed or determined to be experiencing one or more of the following circumstances:
  1. Out of the zone of safety for his/her chronological age and developmental stage.
  2. Physically or mentally disabled (ORC § 2901.41).
  3. Behaviorally disabled.
  4. Drug dependent, including prescribed medication and/or illegal substances, and the dependency is potentially life-threatening.
  5. Absent from home for more than 24 hours before being reported to law enforcement as missing.
  6. In a life-threatening situation.
  7. In the company of others who could endanger his/her welfare.
  8. Absent in a way that is inconsistent with established patterns of behavior and cannot be readily explained. Most children have an established and reasonably predictable routine.
  9. Involved in a situation that would cause a reasonable person to conclude the person should be considered at risk.
  10. Missing and there is evidence of foul play including, but not limited to, evidence that the person's home or car is in disarray, evidence of a struggle between the person and another or any other evidence that the Department determines is foul play (ORC § 2901.42).

**Missing person** - Any person who is reported missing to law enforcement, when that person's location is unknown.

**Missing person networks** - Databases or computer networks that are available to law enforcement and are suitable for obtaining information related to missing person investigations. This includes the National Crime Information Center (NCIC), the Ohio Law Enforcement

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Automated Data System (LEADS), the Ohio Attorney General's Missing Children's Clearing House and the Department of Public Safety's (DPS) Missing Adult Alert.

#### **316.2 POLICY**

The Mount Healthy Police Department does not consider any report of a missing person to be routine and assumes that the missing person is in need of immediate assistance until an investigation reveals otherwise. Priority shall be given to missing person cases over property-related cases. Members will initiate an investigation into all reports of missing persons, regardless of the length of time the person has been missing.

It is the policy of the Mount Healthy Police Department to provide for the timely response, reporting and investigation to calls involving a missing child or adult; runaway; abandoned child, abducted child, unidentified at-risk persons; and to assist in providing for the health, safety and welfare of these individuals.

#### **316.3 REQUIRED FORMS AND BIOLOGICAL SAMPLE COLLECTION KITS**

The Missing Person Coordinator shall ensure the following forms and kits are developed and available:

- Missing person report form
- Missing person investigation checklist that provides investigation guidelines and resources that could be helpful in the early hours of a missing person investigation
- Missing person school notification form
- Medical records release form
- Biological sample collection kits

#### **316.4 ACCEPTANCE OF REPORTS**

Any member encountering a person who wishes to report a missing person or runaway shall render assistance without delay. This can be accomplished by accepting the report via telephone or in-person and initiating the investigation. Those members who do not take such reports or who are unable to give immediate assistance shall promptly dispatch or alert a member who can take the report.

A report shall be accepted in all cases and regardless of where the person was last seen, where the person resides or any question of jurisdiction. The on-duty supervisor shall be notified of a missing juvenile in order to determine the extent of immediate action to be taken.

#### **316.5 INITIAL INVESTIGATION**

Officers conducting the initial investigation of a missing person should take the following investigative actions, as applicable:

- (a) Respond to a dispatched call as soon as practicable.
- (b) Interview the reporting party and any witnesses to determine whether the person qualifies as a missing person and, if so, whether the person may be at risk.



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- (c) Notify a supervisor immediately if there is evidence that a missing person is either at risk or may qualify for a public alert, or both (see the Public Alerts Policy) CALEA 41.2.5 (g).
- (d) Broadcast a "Be on the Look-Out" (BOLO) bulletin if the person is under 17 or there is evidence that the missing person is at risk. The BOLO should be broadcast as soon as practicable but in no event more than one hour after determining the missing person is under 17 years of age or may be at risk CALEA 41.2.5 (b) (g).
- (e) Ensure that entries are made into the appropriate missing person networks CALEA 41.2.5 (c) (d) (g):
  - (a) Immediately, when the missing person is at risk or there is evidence of foul play and the person is at least 18 but under the age of 21 (ORC § 2901.30(C); ORC § 2901.42(A)).
  - (b) In all other cases, as soon as practicable, but not later than two hours from the time of the initial report.
- (f) Complete the appropriate report forms accurately and completely and initiate a search as applicable under the facts CALEA 41.2.5 (a).
- (g) Collect and/or review:
  - 1. A photograph and fingerprint card of the missing person, if available.
  - 2. A voluntarily provided biological sample of the missing person, if available (e.g., toothbrush, hairbrush).
  - 3. Any documents that may assist in the investigation, such as court orders regarding custody.
  - 4. Any other evidence that may assist in the investigation, including personal electronic devices (e.g., cell phones, computers).
- (h) When circumstances permit and if appropriate, attempt to determine the missing person's location through his/her telecommunications carrier.
- (i) Contact the appropriate agency if the report relates to a missing person report previously made to another agency and that agency is actively investigating the report. When this is not practicable, the information should be documented in an appropriate report for transmission to the appropriate agency. If the information relates to an at-risk missing person, the member should notify a supervisor and proceed with reasonable steps to locate the missing person.
- (j) All initial reports of a Missing Person will be maintained in the Roll-Call book.
  - 1. Each shift (Third Shift will use discretion) will assist in conducting follow-up investigations and maintain contact with the family. All follow-up details will be documented in the report.

#### 316.5.1 RUNAWAYS

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Officers will transport the parent to 20-20 to sign the necessary paperwork. If the parent refuses, officers should consider charging the parent under Mt. Healthy Code 135.18- Contributing to the Unruliness or Delinquency of a Child.

#### 316.5.1 ALERT SYSTEMS OR OTHER PUBLIC NOTIFICATION

##### **AMBER ALERT**

This alert is only issued in cases of a confirmed child abduction when the general public's help may make a life or death difference in the safe recovery of the abducted child. Ohio has a statewide AMBER Alert plan as well as numerous regional and local plans.

##### Criteria

1. There is a reasonable belief by law enforcement that abduction has occurred.
2. Law enforcement believes that the child is in imminent danger of serious bodily injury or death.
3. There is enough descriptive information about the victim and the abduction for law enforcement to issue an AMBER Alert to assist in the recovery of the child.
4. The abduction is of a child 17 years or younger.
5. The child's name and other critical data elements, including the Child Abduction flag, have been entered into the National Crime Information Center (NCIC) system.

##### Alert Distribution

This alert is activated through the Emergency Alert System (EAS), using the Child Abduction Emergency (CAE) code. Alerts may be issued within one or more EAS operational areas, or statewide. EAS is only used for the initial activation. All updates and cancellations are communicated via secondary notification. EAS activation of an AMBER Alert will also trigger distribution of a Wireless Emergency Alert (WEA) to all WEA-enabled mobile devices.

Secondary notification of AMBER Alerts is provided via social media, e-mail, text message or fax. Information about active alerts, including photos, is available at [OhioAMBERPlan.org](http://OhioAMBERPlan.org) or 1.877.AMBER.OH.

##### **ENDANGERED MISSING CHILD ALERT**

This alert will be issued when a missing child is considered at risk, but the case does not meet the criteria for an AMBER Alert. This alert provides a way to enlist the public's help in locating an endangered missing child, without desensitizing the media and general public to AMBER Alerts.

##### Criteria

1. Law enforcement confirms the child is under 18 years of age.
2. Law enforcement confirms the child is missing, such as lost, non-witnessed/non-confirmed abduction or the child's whereabouts are unknown.
3. Law enforcement believes the missing circumstances pose a credible threat of serious bodily harm or death to the child.

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4. There is sufficient descriptive information about the child and the circumstances surrounding the disappearance that the alert activation will help locate the child.

This alert is issued by law enforcement when a missing child is considered at risk, but the case does not meet the criteria for an AMBER Alert. This alert provides a way to enlist the public's help in locating an endangered missing child, without desensitizing the media and general public to AMBER Alerts.

#### Alert Distribution

This alert will be issued by when a child is missing due to unknown circumstances and the investigating law enforcement agency considers the missing child to be at-risk of serious physical harm or death based on the circumstances of the disappearance. Endangered Missing Child Alerts will be issued via social media, e-mail, text message or fax. The EAS and WEA are NOT activated. Updates and cancellations will also be delivered via social media, e-mail, text message or fax. Notification about an Endangered Missing Child Alert is sent statewide to all who request to receive these alerts.

Additional information about the alert, including photos if available, is also posted on the Ohio Attorney General's website, [bit.ly/ohiomissingpersons](http://bit.ly/ohiomissingpersons). A special toll-free number (1.866.693.9171) may also be activated for tips and alert information.

#### **ENDANGERED MISSING ADULT ALERT**

This alert is intended to help locate an endangered missing adult who has a mental impairment or is 65 years of age or older, and whose disappearance poses a threat of serious bodily harm or death.

#### Criteria

1. Local investigating law enforcement agency confirms the individual is missing;
2. Individual is 65 years of age or older, or has a mental impairment;
3. Individual's disappearance poses a credible threat of immediate danger of serious bodily harm or death to the individual; and
4. Sufficient descriptive information about the individual and the circumstances surrounding the disappearance exists that activation of the alert may help locate the individual.

#### Alert Distribution

This alert will be issued via social media, e-mail, text or fax. The EAS and WEA are NOT activated. Updates and cancellations are also delivered via social media, e-mail, text message or fax. Notification is sent statewide to all who request to receive these alerts.

Additional alert information, including photos if available, is posted on the Ohio Attorney General's website, [bit.ly/ohiomissingadult](http://bit.ly/ohiomissingadult). A special toll-free number (1.866.693.9171) may also be activated for tips and alert information.

#### **BLUE ALERT**

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This alert was established to enlist the public's help in locating a suspect involved in killing or seriously injuring a law enforcement officer, or in locating a missing law enforcement officer.

#### Criteria

1. Local law enforcement agency confirms a law enforcement officer has been seriously injured or killed and a suspect has not been apprehended; OR a law enforcement officer is missing while on duty under circumstances warranting concern for his/her safety; and
2. Sufficient descriptive information about the suspect and the circumstances surrounding the law enforcement officer's injury, death or disappearance exists to indicate that activation of the alert may help locate the suspect or the missing officer.

#### Alert Distribution

This alert will be issued via social media, e-mail, text message or fax. The EAS and WEA are NOT activated. Updates and cancellations will also be delivered via social media, e-mail, text message or fax. Notification about an Ohio Blue Alert is sent statewide to all who request to receive these alerts.

Additional information about the alert, including photos if available, is posted at [bit.ly/ohiobluealert](http://bit.ly/ohiobluealert). A special toll-free number (1.877.262.3764) may also be activated for tips and alert information.

### **316.6 REPORT PROCEDURES AND ROUTING**

Members should complete all missing person reports and forms promptly and advise the appropriate supervisor as soon as a missing person report is ready for review.

#### **316.6.1 SUPERVISOR RESPONSIBILITIES**

The responsibilities of the supervisor shall include, but are not limited to:

- (a) Reviewing and approving missing person reports upon receipt.
  - (a) The reports should be promptly sent to the Missing Persons Coordinator.
- (b) Ensuring resources are deployed as appropriate.
- (c) Initiating a command post as needed.
- (d) Ensuring applicable notifications and public alerts are made and documented.
- (e) Ensuring that records have been entered into the appropriate missing persons networks.
- (f) Taking reasonable steps to identify and address any jurisdictional issues to ensure cooperation among agencies.
  1. If the case falls within the jurisdiction of another agency, the supervisor should facilitate transfer of the case to the agency of jurisdiction.

#### **316.6.1.1 QUARTERLY REPORT**

The Day Watch Supervisor will conduct a quarterly Missing Persons audit and prepare a written quarterly update for the Police Chief.

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##### 316.6.2 MISSING PERSONS COORDINATOR RESPONSIBILITIES

The responsibilities of the Missing Persons Coordinator receiving member shall include, but are not limited to:

- (a) As soon as reasonable under the circumstances, notifying and forwarding a copy of the report to the agency of jurisdiction for the missing person's residence in cases where the missing person is a resident of another jurisdiction.
- (b) Notifying the parents or other responsible person of a missing person age 17 or younger that the person's information has been entered into the appropriate networks (ORC § 2901.30(C)).
- (c) Notifying and forwarding a copy of the report to the agency of jurisdiction where the missing person was last seen.
- (d) Notifying and forwarding a copy of the report to the agency of jurisdiction for the missing person's intended or possible destination, if known. Filing each missing report separately and under the control of the MPC
- (e) Forwarding a copy of the report to the Investigation Section.
- (f) Coordinating with the NCIC Terminal Contractor for Ohio to have the missing person record in the NCIC computer networks updated with additional information obtained from missing person investigations (34 USC § 41308).
- (g) Assist the primary investigator with the follow up investigation
- (h) Should obtain and forward medical and dental records, photos, X-rays and biological samples, as applicable.
- (i) Shall attempt to obtain the most recent photograph for persons under 18 years of age if it has not been obtained previously and forward the photograph to the Ohio Attorney General's Missing Children's Clearing House and enter the photograph into applicable missing person networks (42 USC § 5780).
- (j) Shall obtain, if previously not obtained, written consent for the release of dental records from the person's parent or legal custodian, if the person is a missing child that has not been located within 30 days of the initial missing persons report (ORC § 2901.30(G)).
- (k) Prepare quarterly reports of the status of all missing persons reported during the quarter
- (l) Prepare an annual report of the status of all missing persons reported during the calendar year

##### 316.6.3 REQUIRED INFORMATION FOR IMMEDIATE NOTIFICATION

Collect essential information from the caller and transmit appropriate radio alerts as well as RCIC, LEADS, NCIC and BOLO message providing descriptive information about the person, the person's last known location and, when appropriate, any information concerning potential abductors and their means and direction of travel to all agency personnel.

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#### **316.7 INVESTIGATION SECTION FOLLOW-UP**

The officer taking the Missing Person report will be responsible for all follow-up investigation in conjunction with the MPC. If the officer leaves the Mt. Healthy Police Department, the MPC, in conjunction with the Day Watch Shift Supervisor, will immediately assign another officer to take over the case investigation. In addition to completing or continuing any actions listed above, the investigator assigned to a missing person investigation:

- (a) Should ensure that the missing person's school is notified when a missing person's report is filed if the missing person is a juvenile (ORC § 2901.30(D)).
  - 1. The notice shall be in writing and should also include a photograph.
  - 2. The investigator should meet with school officials as appropriate to stress the importance of including the notice in the child's student file, along with the investigator's contact information if the school receives a call requesting the transfer of the missing child's files to another school.
- (b) Should re-contact the reporting person and/or other witnesses within 30 days of the initial report and within 30 days thereafter to determine if any additional information has become available CALEA 41.2.5 (e).
- (c) Should consider contacting other agencies involved in the case to determine if any additional information is available.
- (d) Shall verify and update RCIC, Ohio LEADS, NCIC (MPC if still open after 15 days) and any other applicable missing person networks within 30 days of the original entry into the networks and every 30 days thereafter until the missing person is located (34 USC § 41308).
- (e) Should continue to make reasonable efforts to locate the missing person and document these efforts at least every 30 days CALEA 41.2.5 (f).
- (f) Shall maintain a close liaison with state and local child welfare systems and the National Center for Missing and Exploiting Children® (NCMEC) if the missing person is under the age of 21 and shall promptly notify NCMEC when the person is missing from a foster care family home or childcare institution (34 USC § 41308).
- (g) Should make appropriate inquiry with the Coroner.
- (h) Should obtain and forward medical and dental records, photos, X-rays and biological samples, as applicable.
- (i) Shall attempt to obtain the most recent photograph for persons under 18 years of age if it has not been obtained previously and forward the photograph to the Ohio Attorney General's Missing Children's Clearing House and enter the photograph into applicable missing person networks (34 USC § 41308).
- (j) Should consider making appropriate entries and searches in the National Missing and Unidentified Persons System (NamUs).
- (k) Shall obtain, if previously not obtained, written consent for the release of dental records from the person's parent or legal custodian, if the person is a missing child that has not been located within 30 days of the initial missing persons report (ORC § 2901.30(G)).

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- (l) Should consider utilizing resources recommended by the Ohio Attorney General and promulgated by the Ohio Peace Officer Training Commission.
- (m) In the case of an at-risk missing person or a person who has been missing for an extended time, should consult with a supervisor regarding seeking federal assistance from the FBI and the U.S. Marshals Service (28 USC § 566).

#### **316.8 WHEN A MISSING PERSON IS FOUND**

When any person reported missing is found, the assigned investigator shall document the location of the missing person in the appropriate report, notify the reporting party and other involved agencies and refer the case for additional investigation if warranted.

The Police Clerk shall ensure that, upon receipt of information that a missing person has been located, the following occurs:

- (a) Notification is made to DPS and the Ohio Attorney General's Missing Children's Clearing House, as appropriate.
- (b) A missing child's school is notified.
- (c) Entries are made in the applicable missing person networks.
- (d) When a person is at risk, the fact that the person has been found should be reported within 24 hours to the DPS and the Ohio Attorney General's Missing Children's Clearing House, as appropriate.
- (e) Notification shall be made to any other law enforcement agency that took the initial report or participated in the investigation.

#### **316.8.1 UNIDENTIFIED PERSONS**

Members investigating a case of an unidentified person who is deceased or a living person who cannot assist in identifying him/herself should:

- (a) Obtain a complete description of the person.
- (b) Enter the unidentified person's description into the NCIC Unidentified Person File.
- (c) Use available resources, such as those related to missing persons, to identify the person.

#### **316.9 CASE CLOSURE**

The Investigation Section supervisor may authorize the closure of a missing person case after considering the following:

- (a) Closure is appropriate when the missing person is confirmed returned or evidence matches an unidentified person or body.
- (b) If the missing person is a resident of Mt. Healthy or this department is the lead agency, the case should be kept under active investigation for as long as the person may still be alive. Exhaustion of leads in the investigation should not be a reason for closing a case.

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- (c) If this department is not the lead agency, the case can be made inactive if all investigative leads have been exhausted, the lead agency has been notified and entries are made in the applicable missing person networks, as appropriate.
- (d) A missing person case should not be closed or reclassified because the person would have reached a certain age or adulthood or because the person is now the subject of a criminal or civil warrant.

#### **316.10 TRAINING**

Subject to available resources, the Police Chief should ensure that members of this department whose duties include missing person investigations and reports receive training that includes:

- (a) The initial investigation:
  - 1. Assessments and interviews
  - 2. Use of current resources, such as Mobile Audio Video (MAV)
  - 3. Confirming missing status and custody status of minors
  - 4. Evaluating the need for a heightened response
  - 5. Identifying the zone of safety based on chronological age and developmental stage
- (b) Briefing of department members at the scene.
- (c) Identifying NCIC Missing Person File categories (e.g., disability, endangered, involuntary, juvenile and catastrophe).
- (d) Verifying the accuracy of all descriptive information.
- (e) Initiating a neighborhood investigation.
- (f) Investigating any relevant recent family dynamics.
- (g) Addressing conflicting information.
- (h) Key investigative and coordination steps.
- (i) Managing a missing person case.
- (j) Additional resources and specialized services.
- (k) Update procedures for case information and descriptions.
- (l) Preserving scenes.
- (m) Internet and technology issues (e.g., internet use, cell phone use).
- (n) Media relations.



## Public Alerts

### 317.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for alerting the public to important information and soliciting public aid when appropriate.

### 317.2 POLICY

Public alerts may be employed using the Emergency Alert System (EAS), local radio, television and press organizations and other groups to notify the public of incidents, or enlist the aid of the public, when the exchange of information may enhance the safety of the community. Various types of alerts may be available based upon each situation and the alert system's individual criteria. In addition, Hamilton County Communication Center has developed the Smart911 system which will allow the creation of user profiles with contact information such as home, work, and mobile phone numbers, along with additional details the user believes the 911 call taker would find helpful in case of emergency. Additional details are available on line at [Alertchc.org](http://Alertchc.org)

### 317.3 RESPONSIBILITIES

#### 317.3.1 EMPLOYEE RESPONSIBILITIES

Employees of the Mount Healthy Police Department should notify their supervisor/OIC as soon as practicable upon learning of a situation where public notification, a warning or enlisting the help of the media and public could assist in locating a missing person, apprehending a dangerous person or gathering information.

#### 317.3.2 SUPERVISOR RESPONSIBILITIES

A supervisor/OIC apprised of the need for a public alert is responsible to make the appropriate notifications based upon the circumstances of each situation. The supervisor/OIC shall promptly notify the Chief of Police when any public alert is generated.

The supervisor in charge of the investigation to which the alert relates is responsible for the following:

- (a) Updating alerts
- (b) Canceling alerts
- (c) Ensuring all appropriate reports are completed
- (d) Preparing an after-action evaluation of the investigation to be forwarded to the Sergeant

### 317.4 AMBER ALERTS™

The AMBER Alert Plan was created to assist in the identification and location of abducted children under 18 years of age, whose abduction, as determined by a law enforcement agency, poses a credible threat of immediate danger of serious bodily harm or death to the child (ORC § 5502.52). The AMBER Alert utilizes the EAS to broadcast information to the public about the abducted child.

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##### 317.4.1 CRITERIA

An AMBER Alert shall not be activated unless (ORC § 5502.52(B)):

- (a) The Department determines that an abduction has occurred.
- (b) The abducted child is under 18 years of age.
- (c) The child is in immediate danger of serious bodily harm or death.
- (d) The child is not a runaway and has not been abducted as a result of a child custody dispute, unless the dispute poses a credible threat of immediate danger of serious bodily harm or death to the child.
- (e) The Department has sufficient descriptive information about the child, the person who is suspected of abducting the child, or other pertinent information to warrant immediate broadcast of the information to help locate the child.

Absent extenuating circumstances that indicate the AMBER Alert broadcast would endanger an abducted child, the AMBER Alert should be activated as soon as possible after the abduction is discovered.

A Missing Child Alert may be activated if the circumstances about the missing child do not meet the AMBER Alert criteria, but the child is in danger of serious physical harm or death (see Missing Person Reporting Policy).

##### 317.4.2 PROCEDURE

Upon receiving and verifying a report of an abducted child that meets the criteria of an AMBER Alert, the appropriate area of coverage for the activation should be determined. Activations may cover a county, region, state or multiple states.

In addition, the activating official shall:

- (a) As soon as practicable enter AMBER Alert data into the Law Enforcement Automated Data System (LEADS)/National Crime Information Center (NCIC) database. Use the endangered or involuntary missing codes and the AMBER Alert code to request an AMBER Alert. An in-state AMBER Alert message will automatically be generated to the following:
  - 1. Adjacent counties
  - 2. Ohio State Highway Patrol Central Dispatch Communications Center in Columbus
  - 3. Ohio Attorney General's Office
  - 4. FBI Child Abduction Unit
  - 5. National Center for Missing and Exploited Children (NCMEC)
  - 6. Ohio media

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- (b) Enter a Caution Ohio Police (COP) record into the LEADS database with the suspect's information. Replace the COP entry with a Wanted Person entry as soon as appropriate.
- (c) Use the National Law Enforcement Telecommunications System (NLETS) AMBER screen in LEADS to send a broadcast message to law enforcement in adjacent states when necessary.
- (d) If access to the LEADS/NCIC computer system is unavailable, contact the Ohio State Highway Patrol for assistance with activation of an AMBER Alert.
- (e) Obtain, whenever possible, consent from the parents, guardian or person having legal custody of the abducted child for the release of photographs, descriptions and other information necessary to support the AMBER Alert broadcast and search. The inability to obtain verbal or signed consent because of the inability to locate a person capable of providing consent shall not prohibit the activation of an AMBER Alert.

To aid in this process, it is imperative that the activating official be notified of all relevant updates regarding the case investigation that may require modification or termination of the AMBER Alert system.

#### **317.5 MISSING ADULT ALERTS**

The Missing Adult Alert Program was created to assist in the location and return of elderly or mentally impaired individuals at risk of immediate danger or serious bodily injury or death (ORC § 5502.522). Activation of a Missing Adult Alert will automatically cause state media outlets and law enforcement agencies to be notified of the individual's disappearance, as well as the following to occur:

- (a) The Crime Stopper phone number will be utilized (513-352-3040) as a toll-free telephone line for tips and information.
- (b) The Missing Adult Alert website will list information about and display a photograph of the missing adult.
- (c) The Missing Children's Clearing House will be provided with information on the missing adult.
- (d) The Ohio Department of Transportation will be notified to post the information on Ohio's highway signs, when appropriate.

##### **317.5.1 CRITERIA**

A Missing Adult Alert shall not be activated unless (ORC § 5502.522(B)):

- (a) The Department confirms that an individual who is 65 years of age or older or who has a mental impairment is missing. A mental impairment is a substantial disorder of thought, mood, perception, orientation or memory that grossly impairs judgment, behavior or the ability to live independently or provide self-care, as certified by a licensed physician, psychiatrist or psychologist (ORC § 5502.522(G)(3)).

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- (b) The individual is in immediate danger of serious bodily harm or death.
- (c) The Department has sufficient descriptive information about the individual and the circumstances surrounding the individual's disappearance to indicate that activation of the alert will help locate the individual.

#### 317.5.2 PROCEDURE

Upon receiving and verifying a report of a missing person that meets the criteria of a Missing Adult Alert, the activating agency official will determine the area of coverage for the activation. Activations may cover a county, region, the state or multiple states.

In addition, the activating official shall:

- (a) Immediately enter Missing Adult Alert data into the LEADS/NCIC database with the appropriate code. An in-state alert message will automatically be generated to the following:
  1. Adjacent counties
  2. Ohio State Highway Patrol Central Dispatch Communications Center in Columbus
  3. Ohio Attorney General's Office
  4. Ohio media
- (b) Use the NLETS Missing Adult Alert screen in LEADS to send a broadcast message to law enforcement in adjacent states when necessary.
- (c) If access to the LEADS/NCIC computer system is unavailable, contact the Ohio State Highway Patrol for assistance with activation of a Missing Adult Alert.

To aid in this process, it is imperative that the activating official be notified of all relevant updates regarding the case investigation that may require modification or termination of the Missing Adult Alert system.

#### **317.6 BLUE ALERTS**

The Blue Alert Program is a statewide system to be utilized for the rapid dissemination of information to assist in the apprehension of persons suspected of killing or seriously injuring law enforcement officers and to aid in the location of missing law enforcement officers (ORC § 5502.53).

##### 317.6.1 CRITERIA

A Blue Alert shall be activated if both of the following criteria exist (ORC § 5502.53):

- (a) The Department confirms that an officer has been seriously injured or killed, and a suspect has not been apprehended, or that an officer is missing while on-duty under circumstances warranting concern for the officer's safety.

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- (b) There is sufficient descriptive information about the suspect or the circumstances surrounding an officer's injury, death or disappearance to indicate that activation of a Blue Alert may help locate a suspect or the missing officer.

#### 317.6.2 PROCEDURE

Upon receiving and verifying that the criteria for a Blue Alert have been met, the appropriate area of coverage for the activation should be determined. Activations may cover a county, region, state or multiple states.

In addition, the activating official shall:

- (a) Immediately enter Blue Alert data into the LEADS/NCIC database with the appropriate code. An in-state Blue Alert message will automatically be generated to the following:
  1. Adjacent counties
  2. Ohio State Highway Patrol Central Dispatch Communications Center in Columbus
  3. Ohio Attorney General's Office
  4. Ohio media
- (b) Use the NLETS Blue Alert screen in LEADS to send a broadcast message to law enforcement in adjacent states when necessary.
- (c) If access to the LEADS/NCIC computer system is unavailable, contact the Ohio State Highway Patrol for assistance with activation of a Blue Alert.

To aid in this process, it is imperative that the activating official be notified of all relevant updates regarding the case investigation that may require modification or termination of the Blue Alert.

#### **317.7 MEDIA ALERTS**

Regardless of whether a public alert is activated, the following procedures to alert the media and other local law enforcement agencies should be followed:

- (a) A supervisor will prepare, or direct another officer to prepare an initial press release that includes all available information that might aid in locating a child, suspect or missing person, such as:
  1. The person's identity, age and description.
  2. A photograph, if available.
  3. Pertinent vehicle description.
  4. Details regarding the location of the incident, last known direction of travel and potential destinations, if known.
  5. The name and contact number of an authorized media liaison.
  6. A contact number for the public to call with leads or information.
- (b) The press release should be faxed to local television and radio stations.

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- (c) The information in the press release should also be forwarded to local law enforcement agencies.
- (d) The activating official or other individual responsible for making notifications shall prepare and fax to the previously described locations, follow-up press releases with updates regarding the search and investigation or immediately upon locating the person identified in the public alert.

## Victim and Witness Assistance

### 318.1 PURPOSE AND SCOPE

The purpose of this policy is to ensure that crime victims and witnesses receive appropriate assistance, that they are provided with information from government and private resources, and that the agency meets all related legal mandates.

### 318.2 POLICY

The Mount Healthy Police Department is committed to providing guidance and assistance to the victims and witnesses of crime. The employees of the Mount Healthy Police Department will show compassion and understanding for victims and witnesses and will make reasonable efforts to provide the support and information identified in this policy.

### 318.3 CRIME VICTIM LIAISON

The Chief of Police may appoint a member of the Department to serve as the crime victim liaison. The crime victim liaison will be the point of contact for individuals requiring further assistance or information from the Mount Healthy Police Department regarding benefits from crime victim resources. This person shall also be responsible for maintaining compliance with all legal mandates related to crime victims and/or witnesses.

#### 318.3.1 CRIME VICTIM LIAISON DUTIES

The crime victim liaison is responsible for ensuring procedures are adequate to:

- (a) Inform victims of felony or other enumerated offenses of the following after a suspect in their case was taken into custody (ORC § 2930.05):
  1. The name of the suspect taken into custody, whether it be an adult or juvenile.
  2. Whether the defendant or alleged juvenile offender is eligible for pretrial release or for release from detention.
  3. The department's telephone number.
  4. The victim's right to telephone the Department to ascertain whether the suspect has been released from custody.
- (b) Promptly return victim's property when it is no longer necessary to be kept as evidence (ORC § 2930.11).
- (c) Assist victims with the rights afforded to them under the Ohio Constitution (Article I, Section 10a, Ohio Constitution).

### 318.4 CRIME VICTIMS

Officers should provide all victims with the applicable victim information handouts.

Officers should never guarantee a victim's safety from future harm but may make practical safety suggestions to victims who express fear of future harm or retaliation. Officers should never guarantee that a person qualifies as a victim for the purpose of compensation or restitution but may direct him/her to the proper written department material or available victim resources.

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##### **318.4.1 SPECIFIC REQUIREMENTS REGARDING VICTIMS**

As soon as practicable after initial contact with a victim of a felony or other enumerated offenses, the investigating member shall ensure the victim is provided (ORC § 2930.01; ORC § 2930.04):

- (a) The case number and business telephone number to contact the handling investigator.
- (b) The office address and business telephone number of the prosecutor who will handle the case.
- (c) A statement that, if the victim is not notified of the arrest of the offender in the case within a reasonable period of time, the victim may contact the law enforcement agency to learn the status of the case.
- (d) A handout with rights afforded to victims under the Ohio Constitution (Article I, Section 10a, Ohio Constitution).

##### **318.5 VICTIM INFORMATION**

The Administration Supervisor shall ensure that victim information handouts are available and current. These should include as appropriate:

- (a) Shelters and other community resources for victims including domestic violence and sexual assault victims.
- (b) Assurance that sexual assault victims will not incur out-of-pocket expenses for forensic medical exams, and information about evidence collection, storage and preservation in sexual assault cases (34 USC § 10449; 34 USC § 20109).
- (c) An advisement that a person who was arrested may be released on bond or some other form of release and that the victim should not rely upon an arrest as a guarantee of safety.
- (d) A clear explanation of relevant court orders and how they can be obtained.
- (e) Information regarding available compensation for qualifying victims of crime (ORC § 2743.51 et seq.).
- (f) VINE® information (Victim Information and Notification Everyday), including the telephone number and whether this free service is available to allow victims to check on an offender's custody status and to register for automatic notification when a person is released from jail.
- (g) Notice regarding U-Visa and T-Visa application processes.
- (h) Resources available for victims of identity theft.
- (i) A place for the officer's name, badge number and any applicable case or incident number.
- (j) A telephone number that a domestic violence victim can call for information about the case, the telephone number of a domestic violence shelter in the area, and information on any local victim advocate program (ORC § 2935.032 (C)(3)).
- (k) The Ohio Attorney General Office's Victims' Rights Pamphlet (ORC § 109.42; ORC § 2930.04).



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- (l) Information regarding the Ohio Secretary of State's address confidentiality program (ORC § 111.42).
- (m) Rights afforded to victims under the Ohio Constitution (Article I, Section 10a, Ohio Constitution).

#### **318.6 WITNESSES**

Officers should never guarantee a witness' safety from future harm or that his/her identity will always remain confidential. Officers may make practical safety suggestions to witnesses who express fear of future harm or retaliation.

Officers should investigate allegations of witness intimidation and take enforcement action when lawful and reasonable.

## Hate or Prejudice Crimes

### 319.1 PURPOSE AND SCOPE

The Mount Healthy Police Department recognizes and places a high priority on the rights of all individuals guaranteed under the Constitution and the laws of this state. When such rights are infringed upon by violence, threats or other harassment, this department will utilize all available resources to see that justice is served under the law. This policy has been developed to meet or exceed the provisions of the Matthew Shepard and James Byrd, Jr. Hate Crimes Prevention Act, and provides members of this department with guidelines for identifying and investigating incidents and crimes that may be motivated by hatred or other bias.

#### 319.1.1 FEDERAL JURISDICTION

The federal government has the power to investigate and prosecute bias-motivated violence by providing the U.S. Department of Justice (USDOJ) with jurisdiction over crimes of violence where the perpetrator has selected the victim because of the person's actual or perceived race, color, religion, national origin, gender, sexual orientation, gender identity, or disability (18 USC § 249).

### 319.2 DEFINITIONS

Definitions related to this policy include:

**Prejudice, Bias or Hate Crime** - A crime motivated by prejudice based on actual or perceived race, color, religion, national origin, ethnicity, gender, sexual orientation, gender identity or expression, or disability of the victim.

### 319.3 PREVENTING AND PREPARING FOR LIKELY HATE OR PREJUDICE CRIMES

While it is recognized that not all crime can be prevented, this department is committed to taking a proactive approach to preventing and preparing for likely hate or prejudice crimes by among other things:

- (a) Making an affirmative effort to establish contact with persons and groups within the community who are likely targets of hate crimes to form, and cooperate with, prevention and response networks.
- (b) Providing victim assistance and follow-up as outlined below, including community follow-up.
- (c) Educating community and civic groups about hate crime laws.

### 319.4 PROCEDURE FOR INVESTIGATING HATE OR PREJUDICE CRIMES

Whenever any member of this department receives a report of a suspected hate or prejudice crime or other activity that reasonably appears to involve a potential hate or prejudice crime, the following should occur:

- (a) Officers will be promptly assigned to contact the victim, witness, or reporting party to investigate the matter further as circumstances may dictate.
- (b) A supervisor should be notified of the circumstances as soon as practicable.

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- (c) Once "in progress" aspects of any such situation have been stabilized (e.g., treatment of victims, apprehension of present suspects), the assigned officers will take all reasonable steps to preserve available evidence that may tend to establish that a hate or prejudice crime was involved.
- (d) The assigned officers will interview available witnesses, victims, and others to determine what circumstances, if any, indicate that the situation may involve a hate or prejudice crime.
- (e) Depending on the situation, the assigned officers or supervisor may request additional assistance from investigators or other resources to further the investigation.
- (f) The assigned officers will include all available evidence indicating the likelihood of a hate or prejudice crime in the relevant reports. All related reports will be clearly marked as "Hate or Prejudice Crimes" and, absent prior approval of a supervisor, will be completed and submitted by the assigned officers before the end of the shift.
- (g) The assigned officers should also make reasonable efforts to assist the victim by providing available information on local assistance programs and organizations as required by the Victim and Witness Assistance Policy.
- (h) The assigned officers and supervisor should take reasonable steps to ensure that any such situation does not escalate further and should provide information to the victim regarding legal aid (e.g., a possible Temporary Restraining Order) through the courts, County Prosecutor, or City Attorney.

#### **319.5 INVESTIGATION SECTION RESPONSIBILITIES**

If a case is assigned to the Investigation Section, the assigned investigator will be responsible for following up on the reported hate or prejudice crime by:

- (a) Coordinating further investigation with the County Prosecutor and other appropriate law enforcement agencies.
- (b) Maintaining contact with the victim and other involved individuals, as needed.
- (c) Maintaining statistical data and tracking of suspected hate or prejudice crimes as indicated or required by state law.

#### **319.6 STATE HATE CRIME REPORTING**

This department shall submit hate crime information and offenses in the form and manner and at regular intervals as prescribed by rules adopted by the Office of Criminal Justice Services (OCJS). This shall be conducted by the Police Clerk or assigned to the Investigation Section.

#### **319.7 FEDERAL HATE CRIME REPORTING**

The Police Clerk should include hate crime data reporting within the National Incident-Based Reporting System (NIBRS), Uniform Crime Report (UCR) and Summary Reporting System (SRS) reports pursuant to Police Clerk procedures and in compliance with (28 USC § 534 (a)).

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### **319.8 TRAINING**

All members of this department will receive training on hate and prejudice crime recognition and investigation, and will attend periodic training that incorporates a hate and prejudice crime training component.

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## Standards of Conduct

### 320.1 PURPOSE AND SCOPE

This policy establishes standards of conduct that are consistent with the values and mission of the Mount Healthy Police Department and are expected of all department members. The standards contained in this policy are not intended to be an exhaustive list of requirements and prohibitions but they do identify many of the important matters concerning conduct. In addition to the provisions of this policy, members are subject to all other provisions contained in this manual, as well as any additional guidance on conduct that may be disseminated by this department or the member's supervisors.

#### 320.1.1 CERTIFICATION STANDARDS

This policy contains content that pertains to the following Ohio Collaborative Law Enforcement Agency Certification (OCLEAC) Standard: 12.2016.4

[See attachment: OCLEAC Standards Compliance Checklist Updated 2017.pdf](#)

### 320.2 POLICY

The continued employment or appointment of every member of the Mount Healthy Police Department shall be based on conduct that reasonably conforms to the guidelines set forth herein. Failure to meet the guidelines set forth in this policy, whether on- or off-duty, may be cause for disciplinary action.

### 320.3 CODE OF ETHICS

The Law Enforcement Code of Ethics

As a law enforcement member, my fundamental duty is to serve mankind; to safeguard lives and property; to protect the innocent against deception, the weak against oppression or intimidation, and the peaceful against violence or disorder; and to respect the constitutional rights of all men to liberty, equality, and justice.

I will keep my private life unsullied as an example to all; maintain courageous calm in the face of danger, scorn or ridicule; develop self-restraint; and be constantly mindful of the welfare of others. Honest in thought and deed in both my personal and professional life, I will be exemplary in obeying the law of the land and the regulations of my department. Whatever I see or hear of a confidential nature, or that is confided to me in my official capacity, will be kept ever secret unless revelation is necessary in the performance of duty.

I will never act officiously or permit personal feelings, prejudice, animosities, or friendships to influence my decisions. With no compromise for crime and with relentless prosecution of criminals, I will enforce the law courteously and appropriately without fear or favor, malice, or ill will, never employing unnecessary force or violence and never accepting gratuities.

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I recognize the badge of my office as a symbol of public faith, and I accept it as a public trust to be held so long as I am true to the ethics of police service. I will constantly strive to achieve these objectives and ideals, dedicating myself before God to my chosen profession, law enforcement.

#### **320.4 DIRECTIVES AND ORDERS**

Members shall comply with lawful directives and orders from the Chief of Police, any department supervisor or person in a position of authority, including officers assigned temporary supervisory duties and, if concerning property and/or evidence, the Property Management Officer, absent a reasonable and bona fide justification.

##### **320.4.1 UNLAWFUL OR CONFLICTING ORDERS**

Supervisors shall not knowingly issue orders or directives that, if carried out, would result in a violation of any law or department policy. Supervisors should not issue orders that conflict with any previous order without making reasonable clarification that the new order is intended to countermand the earlier order.

No member is required to obey any order that is in direct conflict with any federal law, state law or local ordinance. Following a known unlawful order is not a defense and does not relieve the member from criminal or civil prosecution or administrative discipline. If the legality of an order is in doubt, the affected member shall ask the issuing supervisor to clarify the order or shall confer with a higher authority. The responsibility for refusal to obey rests with the member, who shall subsequently be required to justify the refusal.

Unless it would jeopardize the safety of any individual, members who are presented with a lawful order that is in conflict with a previous lawful order, department policy or other directive shall respectfully inform the issuing supervisor of the conflict. The issuing supervisor is responsible for either resolving the conflict or clarifying that the lawful order is intended to countermand the previous lawful order or directive, in which case the member is obliged to comply. Members who are compelled to follow a conflicting lawful order after having given the issuing supervisor the opportunity to correct the conflict, will not be held accountable for disobedience of the lawful order or directive that was initially issued.

The person countermanding the original order shall notify, in writing, the person issuing the original order, indicating the action taken and the reason.

##### **320.4.2 SUPERVISOR RESPONSIBILITIES**

Supervisors and managers are required to follow all policies and procedures and may be subject to discipline for:

- (a) Failure to be reasonably aware of the performance of their subordinates or to provide appropriate guidance and control.
- (b) Failure to promptly and fully report any known misconduct of a member to his/her immediate supervisor or to document such misconduct appropriately or as required by policy.

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- (c) Directing a subordinate to violate a policy or directive, acquiesce to such a violation, or are indifferent to any such violation by a subordinate.
- (d) The unequal or disparate exercise of authority on the part of a supervisor toward any member for malicious or other improper purpose.

#### **320.5 GENERAL STANDARDS**

Members shall conduct themselves, whether on- or off-duty, in accordance with the United States and Ohio constitutions and all applicable laws, ordinances, and rules enacted or established pursuant to legal authority.

Members shall familiarize themselves with policies and procedures and are responsible for compliance with each. Members should seek clarification and guidance from supervisors in the event of any perceived ambiguity or uncertainty.

Discipline may be initiated for any good cause. It is not mandatory that a specific policy or rule violation be cited to sustain discipline. This policy is not intended to cover every possible type of misconduct.

#### **320.6 CAUSES FOR DISCIPLINE**

The following are illustrative of causes for disciplinary action. This list is not intended to cover every possible type of misconduct and does not preclude the recommendation of disciplinary action for violation of other rules, standards, ethics and specific action or inaction that is detrimental to efficient department service.

##### **320.6.1 LAWS, RULES AND ORDERS**

- (a) Violation of, or ordering or instructing a subordinate to violate any policy, procedure, rule, order, directive, requirement or failure to follow instructions contained in department or City manuals.
- (b) Disobedience of any legal directive or order issued by any department member of a higher rank.
- (c) Violation of federal, state, local or administrative laws, rules or regulations.

##### **320.6.2 ETHICS**

- (a) Using or disclosing one's status as a member of the Mount Healthy Police Department in any way that could reasonably be perceived as an attempt to gain influence or authority for non-department business or activity.
- (b) The wrongful or unlawful exercise of authority on the part of any member for malicious purpose, personal gain, willful deceit or any other improper purpose.
- (c) The receipt or acceptance of a reward, fee or gift from any person for service incident to the performance of the member's duties (lawful subpoena fees and authorized work permits excepted).
- (d) Acceptance of fees, gifts or money contrary to the rules of this department and/or laws of the state.

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- (e) Offer or acceptance of a bribe or gratuity.
- (f) Misappropriation or misuse of public funds, property, personnel or services.
- (g) Any other failure to abide by the standards of ethical conduct.

#### 320.6.3 DISCRIMINATION, OPPRESSION, OR FAVORITISM

Unless required by law or policy, discriminating against, oppressing, or providing favoritism to any person because of actual or perceived characteristics such as race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, age, disability, economic status, cultural group, veteran status, marital status, and any other classification or status protected by law, or intentionally denying or impeding another in the exercise or enjoyment of any right, privilege, power, or immunity, knowing the conduct is unlawful.

#### 320.6.4 RELATIONSHIPS

- (a) Unwelcome solicitation of a personal or sexual relationship while on-duty or through the use of one's official capacity.
- (b) Engaging in on-duty sexual activity including, but not limited to, sexual intercourse, excessive displays of public affection or other sexual contact.
- (c) Establishing or maintaining an inappropriate personal or financial relationship, as a result of an investigation, with a known victim, witness, suspect or defendant while a case is being investigated or prosecuted, or as a direct result of any official contact.
- (d) Associating with or joining a criminal gang, organized crime and/or criminal syndicate when the member knows or reasonably should know of the criminal nature of the organization. This includes any organization involved in a definable criminal activity or enterprise, except as specifically directed and authorized by this department.
- (e) Associating on a personal, rather than official basis with persons who demonstrate recurring involvement in serious violations of state or federal laws after the member knows, or reasonably should know of such criminal activities, except as specifically directed and authorized by this department.

#### 320.6.5 ATTENDANCE

- (a) Leaving the job to which the member is assigned during duty hours without reasonable excuse and proper permission and approval.
- (b) Unexcused or unauthorized absence or tardiness.
- (c) Excessive absenteeism or abuse of leave privileges.
- (d) Failure to report to work or to the place of assignment at the time specified and fully prepared to perform duties without reasonable excuse.

#### 320.6.6 UNAUTHORIZED ACCESS, DISCLOSURE, OR USE

- (a) Unauthorized and inappropriate intentional release of confidential or protected information, materials, data, forms, or reports obtained as a result of the member's position with this department.



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- (b) Disclosing to any unauthorized person any active investigation information.
- (c) The use of any information, photograph, video, or other recording obtained or accessed as a result of employment or appointment to this department for personal or financial gain or without the express authorization of the Chief of Police or the authorized designee.
- (d) Loaning, selling, allowing unauthorized use, giving away, or appropriating any department property for personal use, personal gain, or any other improper or unauthorized use or purpose.
- (e) Using department resources in association with any portion of an independent civil action. These resources include but are not limited to personnel, vehicles, equipment, and non-subpoenaed records.

#### 320.6.7 EFFICIENCY

- (a) Neglect of duty.
- (b) Unsatisfactory work performance including but not limited to failure, incompetence, inefficiency, or delay in performing and/or carrying out proper orders, work assignments, or the instructions of supervisors without a reasonable and bona fide excuse.
- (c) Concealing, attempting to conceal, removing, or destroying defective or incompetent work.
- (d) Unauthorized sleeping during on-duty time or assignments.
- (e) Failure to notify the Department within 24 hours of any change in residence address or contact numbers.
- (f) Failure to notify the Personnel Department of changes in relevant personal information (e.g., information associated with benefits determination) in a timely fashion.

#### 320.6.8 PERFORMANCE

- (a) Failure to disclose or misrepresenting material facts, or making any false or misleading statement on any application, examination form, or other official document, report or form, or during the course of any work-related investigation.
- (b) The falsification of any work-related records, making misleading entries or statements with the intent to deceive or the willful and unauthorized removal, alteration, destruction and/or mutilation of any department record, public record, book, paper or document.
- (c) Failure to participate in, or giving false or misleading statements, or misrepresenting or omitting material information to a supervisor or other person in a position of authority, in connection with any investigation or in the reporting of any department-related business.
- (d) Being untruthful or knowingly making false, misleading or malicious statements that are reasonably calculated to harm the reputation, authority or official standing of this department or its members.

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- (e) Disparaging remarks or conduct concerning duly constituted authority to the extent that such conduct disrupts the efficiency of this department or subverts the good order, efficiency and discipline of this department or that would tend to discredit any of its members.
- (f) Unlawful gambling or unlawful betting at any time or any place. Legal gambling or betting under any of the following conditions:
  - 1. While on department premises.
  - 2. At any work site, while on-duty or while in uniform, or while using any department equipment or system.
  - 3. Gambling activity undertaken as part of an officer's official duties and with the express knowledge and permission of a direct supervisor is exempt from this prohibition.
- (g) Improper political activity including:
  - 1. Unauthorized attendance while on-duty at official legislative or political sessions.
  - 2. Solicitations, speeches or distribution of campaign literature for or against any political candidate or position while on-duty or on department property except as expressly authorized by City policy, the employment agreement, or the Chief of Police.
- (h) Engaging in political activities during assigned working hours except as expressly authorized by City policy, the employment agreement, or the Chief of Police.
- (i) Any act on- or off-duty that brings discredit to this department.

#### 320.6.9 CONDUCT

- (a) Failure of any member to promptly and fully report activities on his/her part or the part of any other member where such activities resulted in contact with any other law enforcement agency or that may result in criminal prosecution or discipline under this policy.
- (b) Unreasonable and unwarranted force to a person encountered or a person under arrest.
- (c) Exceeding lawful peace officer powers by unreasonable, unlawful or excessive conduct.
- (d) Unauthorized or unlawful fighting, threatening or attempting to inflict unlawful bodily harm on another.
- (e) Engaging in horseplay that reasonably could result in injury or property damage.
- (f) Discourteous, disrespectful or discriminatory treatment of any member of the public or any member of this department or the City.
- (g) Use of obscene, indecent, profane or derogatory language while on-duty or in uniform.
- (h) Criminal, dishonest, or disgraceful conduct, whether on- or off-duty, that adversely affects the member's relationship with this department.

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- (i) Unauthorized possession of, loss of, or damage to department property or the property of others, or endangering it through carelessness or maliciousness.
- (j) Attempted or actual theft of department property; misappropriation or misuse of public funds, property, personnel or the services or property of others; unauthorized removal or possession of department property or the property of another person.
- (k) Activity that is incompatible with a member's conditions of employment or appointment as established by law or that violates a provision of any employment agreement or contract to include fraud in securing the appointment or hire.
- (l) Initiating any civil action for recovery of any damages or injuries incurred in the course and scope of employment or appointment without first notifying the Chief of Police of such action.
- (m) Any other on- or off-duty conduct which any member knows or reasonably should know is unbecoming a member of this department, is contrary to good order, efficiency or morale, or tends to reflect unfavorably upon this department or its members.

#### 320.6.10 SAFETY

- (a) Failure to observe or violating department safety standards or safe working practices.
- (b) Failure to maintain current licenses or certifications required for the assignment or position (e.g., driver license, first aid).
- (c) Failure to maintain good physical condition sufficient to adequately and safely perform law enforcement duties.
- (d) Unsafe firearm or other dangerous weapon handling to include loading or unloading firearms in an unsafe manner, either on- or off-duty.
- (e) Carrying, while on the premises of the work place, any firearm or other lethal weapon that is not authorized by the member's appointing authority.
- (f) Unsafe or improper driving habits or actions in the course of employment or appointment.
- (g) Any personal action contributing to a preventable traffic collision.
- (h) Concealing or knowingly failing to report any on-the-job or work-related accident or injury as soon as practicable but within 24 hours.

#### 320.6.11 INTOXICANTS

- (a) Reporting for work or being at work while intoxicated or when the member's ability to perform assigned duties is impaired due to the use of alcohol, medication or drugs, whether legal, prescribed or illegal.
- (b) Possession or use of alcohol at any work site or while on-duty, except as authorized in the performance of an official assignment. A member who is authorized to consume alcohol is not permitted to do so to such a degree that it may impair on-duty performance.
- (c) Unauthorized possession, use of, or attempting to bring a controlled substance, illegal drug or non-prescribed medication to any work site.

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### **320.7 DISCIPLINARY SYSTEM**

The disciplinary system identifies the measures to be applied to employee conduct in the interest of discipline. The system is based on fairness to the employee and the agency. It promotes employee morale and motivation.

#### **320.7.1 TRAINING / REMEDIAL TRAINING**

Training of agency personnel in the performance of duties is fundamental to organizational discipline. Training communicates standards and identifies behaviors that define the expectations of the agency. Training in job related functions is mandatory for personnel entering the agency. Periodic in-service training is mandated for certain positions throughout the organization.

Remedial Training is instruction used to correct specific deficiencies in personnel performance. The Department will identify remedial training as a constructive tool to reinforce, retain, and refine an employee's knowledge, skills and abilities in keeping with the directives, procedures, policies, rules and regulations of the Department. Those officers who are being under the Field Training Officers program shall be subject to the remedial training guidelines for that procedure.

Training and job proficiencies that are mandated by state law or department directives will require remedial training if failed by the employee. Any aspect of law enforcement that incurs liability because of lack of proper training will require remedial training if failed by the employee.

In situations where desirable standards relating to job performance or behaviors are not met, training or remedial training may be utilized as a means for increasing the level of performance by employees. Remedial training shall be scheduled as soon as practical or as required by department directive and must be satisfactorily completed by the employee. Such retraining will be in the interest of promoting organizational discipline, but not considered disciplinary action. Completion of the remedial training will be documented by the employee's supervisor.

Any employee who fails without cause to attend required remedial training shall be subject to disciplinary action.

#### **320.7.2 COUNSELING**

Supervisory personnel are encouraged to maintain open lines of communication with employees at all times. In situations where desirable standards relating to job performance or behaviors are not met, counseling by the supervisor on performance standards and job expectations is often an appropriate remedy.

#### **320.7.3 PUNITIVE ACTION**

The tenure of every employee subject to the terms of this Agreement shall be during good behavior and efficient service. The Employer may take disciplinary action against any employee in the bargaining unit only for just cause. The Employer may take disciplinary action for actions which occur while an employee is on duty, or which occur while an employee is working under the colors of the Employer, or in the instances where the employee's conduct reflects adversely upon the Employer. Forms of disciplinary action, but not necessarily the order of discipline, are:

- (a) Letter of Counseling (verbal reprimand, date and time recorded);

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- (b) Written reprimand;
- (c) Suspension without pay; and
- (d) Discharge[CBA 14.1].

Incompetence, inefficiency, dishonesty, drunkenness, immoral conduct, insubordination, discourteous treatment of the public, neglect of duty, absence without leave or any other failure of good behavior or any other acts of misfeasance, malfeasance, or nonfeasance in office shall be cause for disciplinary action. Anonymous complaints with no corroborative evidence shall not be cause for disciplinary action [CBA 14.2].

Except in instances wherein the employee is charged with serious misconduct, discipline will be applied in a progressive and uniform manner. Progressive discipline shall take into account the nature of the violation, the employee's record of discipline and the employee's record of performance and conduct. Disciplinary penalties shall be appropriate to the severity of the offense, and as such the forms of discipline listed in Section 15.1 of the Collective Agreement do not necessarily represent a systematic order to be followed in all instances [CBA 14.3].

Anytime the Employer or any of his representatives has reason to discipline any employee, it shall be done in a manner that will not intentionally embarrass the employee before the other employees or the public[CBA 14.4].

Anytime the Employer or any of his representatives has reason to discipline any employee, it shall be done in a manner that will not intentionally embarrass the employee before the other employees or the public [CBA14.5].

Whenever the Chief of Police or designee determines that an employee may be disciplined for cause (including all suspensions, reductions or termination), a predisciplinary conference will be scheduled to give the employee an opportunity to offer an explanation of the alleged conduct. This provision does not apply to Letters of Counseling or Written Reprimands[CBA 14.5].

Records of suspensions shall cease to have force and shall be removed from the file thirty (30) months from the date of issuance, provided no intervening discipline has occurred. Records of written reprimands shall cease to have effect and shall be removed from the file eighteen (18) months from the date of issuance, provided no intervening discipline has occurred. A Letter of Counseling (verbal reprimand, date and time recorded) shall cease to have effect and shall be removed from the file six (6) months from the date of issuance, provided no intervening discipline has occurred [CBA 9.4].

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# Information Technology Use

## 321.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the proper use of department information technology resources, including computers, electronic devices, hardware, software and systems.

### 321.1.1 DEFINITIONS

Definitions related to this policy include:

**Computer system** - All computers (on-site and portable), electronic devices, hardware, software, and resources owned, leased, rented or licensed by the Mount Healthy Police Department that are provided for official use by its members. This includes all access to, and use of, Internet Service Providers (ISP) or other service providers provided by or through the Department or department funding.

**Hardware** - Includes, but is not limited to, computers, computer terminals, network equipment, electronic devices, telephones, including cellular and satellite, pagers, modems or any other tangible computer device generally understood to comprise hardware.

**Software** - Includes, but is not limited to, all computer programs, systems and applications, including shareware. This does not include files created by the individual user.

**Temporary file, permanent file or file** - Any electronic document, information or data residing or located, in whole or in part, on the system including, but not limited to, spreadsheets, calendar entries, appointments, tasks, notes, letters, reports, messages, photographs or videos.

## 321.2 POLICY

It is the policy of the Mount Healthy Police Department that members shall use information technology resources, including computers, software and systems, that are issued or maintained by the Department in a professional manner and in accordance with this policy.

## 321.3 PRIVACY EXPECTATION

Members forfeit any expectation of privacy with regard to emails, texts or anything published, shared, transmitted or maintained through file-sharing software or any Internet site that is accessed, transmitted, received or reviewed on any department computer system.

The Department reserves the right to access, audit and disclose, for whatever reason, any message, including attachments, and any information accessed, transmitted, received or reviewed over any technology that is issued or maintained by the Department, including the department email system, computer network and/or any information placed into storage on any department system or device. This includes records of all keystrokes or Web-browsing history made at any department computer or over any department network. The fact that access to a database, service or website requires a username or password will not create an expectation of privacy if it is accessed through department computers, electronic devices or networks.

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#### **321.4 RESTRICTED USE**

Members shall not access computers, devices, software or systems for which they have not received prior authorization or the required training. Members shall immediately report unauthorized access or use of computers, devices, software or systems by another member to their supervisors.

Members shall not use another person's access passwords, logon information and other individual security data, protocols and procedures unless directed to do so by a supervisor.

Violation of the procedure may be prosecutable as a 5th Degree Felony in addition to administrative discipline.

##### **321.4.1 SOFTWARE**

Members shall not copy or duplicate any copyrighted or licensed software except for a single copy for backup purposes in accordance with the software company's copyright and license agreement.

To reduce the risk of a computer virus or malicious software, members shall not install any unlicensed or unauthorized software on any department computer. Members shall not install personal copies of any software onto any department computer.

When related to criminal investigations, software program files may be downloaded only with the approval of the information systems technology (IT) staff and with the authorization of the Chief of Police or the authorized designee.

No member shall knowingly make, acquire or use unauthorized copies of computer software that is not licensed to the Department while on department premises, computer systems or electronic devices. Such unauthorized use of software exposes the Department and involved members to severe civil and criminal penalties.

Introduction of software by members should only occur as part of the automated maintenance or update process of department- or City-approved or installed programs by the original manufacturer, producer or developer of the software.

Any other introduction of software requires prior authorization from IT staff and a full scan for malicious attachments.

##### **321.4.2 HARDWARE**

Access to technology resources provided by or through the Department shall be strictly limited to department-related activities. Data stored on or available through department computer systems shall only be accessed by authorized members who are engaged in an active investigation or assisting in an active investigation, or who otherwise have a legitimate law enforcement or department-related purpose to access such data. Any exceptions to this policy must be approved by a supervisor.

##### **321.4.3 INTERNET USE**

Internet access provided by or through the Department shall be strictly limited to department-related activities. Internet sites containing information that is not appropriate or applicable to

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department use and which shall not be intentionally accessed include, but are not limited to, adult forums, pornography, gambling, chat rooms and similar or related Internet sites. Certain exceptions may be permitted with the express approval of a supervisor as a function of a member's assignment.

Downloaded information shall be limited to messages, mail and data files.

#### **321.4.4 OFF-DUTY USE**

Members shall only use technology resources provided by the Department while on-duty or in conjunction with specific on-call assignments unless specifically authorized by a supervisor. This includes the use of telephones, cell phones, texting, email or any other "off the clock" work-related activities. This also applies to personally owned devices that are used to access department resources.

Refer to the Personal Communication Devices Policy for guidelines regarding off-duty use of personally owned technology.

#### **321.5 PROTECTION OF AGENCY SYSTEMS AND FILES**

All members have a duty to protect the computer system and related systems and devices from physical and environmental damage and are responsible for the correct use, operation, care and maintenance of the computer system.

Members shall ensure department computers and access terminals are not viewable by persons who are not authorized users. Computers and terminals should be secured, users logged off and password protections enabled whenever the user is not present. Access passwords, logon information and other individual security data, protocols and procedures are confidential information and are not to be shared. Password length, format, structure and content shall meet the prescribed standards required by the computer system or as directed by a supervisor and shall be changed at intervals as directed by IT staff or a supervisor.

It is prohibited for a member to allow an unauthorized user to access the computer system at any time or for any reason. Members shall promptly report any unauthorized access to the computer system or suspected intrusion from outside sources (including the Internet) to a supervisor.

#### **321.6 INSPECTION OR REVIEW**

A supervisor or the authorized designee has the express authority to inspect or review the computer system, all temporary or permanent files, related electronic systems or devices, and any contents thereof, whether such inspection or review is in the ordinary course of his/her supervisory duties or based on cause.

Reasons for inspection or review may include, but are not limited to, computer system malfunctions, problems or general computer system failure, a lawsuit against the Department involving one of its members or a member's duties, an alleged or suspected violation of any department policy, a request for disclosure of data, or a need to perform or provide a service.



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The IT staff may extract, download or otherwise obtain any and all temporary or permanent files residing or located in or on the department computer system when requested by a supervisor or during the course of regular duties that require such information.

### **321.7 COMPUTER FILE BACK-UP AND STORAGE**

#### **321.7.1 DATA BACK-UP**

Mt Healthy uses Acronis to back up the MTH-DC01 server. The local backups are stored on an external drive connected to MTH-HV01. Backups are run nightly at 9 pm. A full backup is run every 2 months and the other nightly backups are incremental backups, backing up only the data that has changed. Once the backup has completed, it is uploaded offsite to a server hosted by Intrust IT.

#### **321.7.2 STORAGE**

Data stored within the network is located on servers physically secure behind lock and key.

#### **321.7.3 ACCESS SECURITY**

Access to network resources is restricted and controlled according to the individuals user account. This prevents users from accessing data they do not have authorization for.

#### **321.7.4 ANNUAL PASSWORD AUDITS**

Account audits are performed quarterly to ensure that inactive accounts are pruned, and all accounts meet the password policy:

5 Passwords Remembered

Maximum Password Age: 90 days

Minimum Password Length: 8 Characters

Password Complexity: Enforced

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## Report Preparation

### 322.1 PURPOSE AND SCOPE

Report preparation is a major part of each employee's job. The purpose of reports is to document sufficient information to refresh the employee's memory and to provide sufficient information for follow-up investigation and successful prosecution. Report writing is the subject of substantial formal and on-the-job training. Refer to Chief's General Order 11 and Report Writing and Case Preparation Guidelines and summary

#### 322.1.1 REPORT PREPARATION

Employees should ensure that their reports are sufficiently detailed for their purpose and reasonably free of errors prior to submission. Documentation must be accurate and complete - so complete that it can be passed on to other officers for follow-up or used for investigative purposes well into the future.

If Serial Numbers or Owner Applied Serial Numbers are available, include them in your report, and complete necessary RCIC, LEADS, NCIC tasks whether they be queries or entry of stolen property.

It is the responsibility of the assigned employee to complete and submit all reports taken during the shift before going off-duty, unless permission to delay submission of the report has been approved by a supervisor. Generally, reports requiring prompt follow-up action on active leads or arrest reports where the suspect remains in custody should not be delayed.

Handwritten reports must be prepared legibly. If the report is not prepared legibly, the submitting employee will be required by the reviewing supervisor to promptly make corrections and resubmit the report. Employees who dictate reports shall use appropriate grammar, as content is not the responsibility of the typist. Employees who generate reports on computers are subject to all requirements of this policy.

All reports shall accurately reflect the identity of the persons involved, witnesses, all pertinent information seen, heard or assimilated by any other sense and any actions taken. Employees shall not suppress, conceal or distort the facts of any reported incident, nor shall any employee make a false report orally or in writing. Generally, the reporting employee's opinions should not be included in reports unless specifically identified as such.

#### 322.1.2 ACTION TAKEN: (PAMET)

Offense Reports - Any act or omission described as an offense in the Ohio Revised Code

Field Investigation - Used only as a supplement to the original Offense Report or to document information for non-criminal activity or administrative type issues

Blotter Entry - General Information used to document information not related to criminal violation

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##### 322.1.3 NARRATIVES

Report narratives are to be used for detailed information regarding who, what, when, where, why, and how an offense occurred. Avoid using abbreviations or police jargon.

Special attention should be given to accurately reporting time span.

Example- "Mr. X reported his lawnmower was taken from his property."

Your narrative should include the last time the lawn mower was seen or used (and by whom) and the actual date it was discovered missing (and by whom). The date it was discovered missing could be much different than the date it was taken or reported.

Opening statement of all offense report should start as follows:

On (date) at (time) I was dispatched to (location) for a report of a ( type of crime). My investigation determined the following:

OR

On (date) at (time) I was approached by (name of person) at (location) who reported a (type of crime). My investigation determined the following:

Narratives should be in chronological order - i.e., the true order of events as they actually occurred.

When you start, set the scene. Introduce the people, property and other information before it is discussed.

Exemple: In a convenient store robbery, set the time, location and victim before you describe the action.

Mr. Jones was working as a store clerk on Jan 12, 2013, at the Mid-Town Convenient store, 2501 E. Maple Street, at 2315 hours. Jones was standing behind the counter, facing the store. There were no other people in the store.

These first sentences set the scene. The next sentence is the next thing that happens.

Approximately 2020 hours the suspect walked in the front door.

Each of the following sentences is merely a statement of what happened next.

- The suspect walked around the store in a counter clockwise direction.
- When he emerged from the back of the store he was wearing a stocking mask.
- He walked up to the counter and pointed a small revolver at the clerk.
- He said, "Give me all the money in the register..."

If you have multiple subjects involved in the event, introduce and place them all at the same time, before starting the action. A good example of this is a shoplifting case with multiple suspects and multiple loss prevention officers. Before starting the action, place all the people.

After you finish telling the story, add all the facts that need to be included in the report not brought out in the story.

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Example:

- Evidence collected
- Pictures taken
- Statements of witnesses, the victim and even the suspect.
- Property recovered
- Any facts needed to be documented in the case

Using this process will ensure your report is clear and complete.

#### **322.1.4 CRIME SCENE PROCESSING**

Crime Scene processing is the responsibility of the senior responding officers.

Reporting officers will document in the narrative that fingerprints were or were not taken and why.

Neighborhood canvases are extremely beneficial in building community trust and solving crimes. It is important to find time to canvas the area of crime looking for witnesses or suspect information.

The Department Detective is available for assistance if needed to process violent crimes and sexual assault cases.

Evidence and or property recovered will be property stored and logged into the police property room as per procedure. Evidence or property will not be held in lockers, desks, or any other area without the express permission from the Detective, a Sergeant, or, for reasons listed in Procedure 8.04., the Property Management Officer.

Photograph crime scenes when possible. If photographs of stolen items are available, include them in your report. All Missing Persons and Runaway Reports will include a photograph of the missing person (see Chief's General Order regarding handling of Missing/Runaway Persons.)

#### **322.2 REQUIRED REPORTING**

Written reports are required in all of the following situations on the appropriate department-approved form unless otherwise approved by a supervisor.

Information required on all initial field reports of criminal activity is defined by the CAD/RMS system. Specific information requirements parallel reporting requirements by the FBI Incident Based Reporting (IBR) system. Informational items should be documented with all information that is provided to the employee completing the report. Exceptions are informational incidents reported on the case report form where crimes did not occur but the event was determined to need documentation. The data entered, while it would not report to the IBR system, will adhere to the same rules [CALEA 82.2.1(a)].

- (a) All incidents listed below that occur within the Mt. Healthy Police Department service area shall be reported, to include, but not be limited to, the following:
  1. All citizens' request for services; (CALEA 82.2.2.a.b)

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2. Incidents resulting in an employee being dispatched or assigned, to include follow-ups; (CALEA 82.2.2.c)
3. Criminal and non-criminal cases initiated by law enforcement officers; (CALEA 82.2.2.d)
4. Incidents involving arrest, citations or ordinance violation citations. (CALEA 82.2.2e)

#### 322.2.1 CRIMINAL ACTIVITY

When a member responds to a call for service or as a result of self-initiated activity becomes aware of any activity where a crime has occurred, the member shall document the incident regardless of whether a victim desires prosecution.

Activity to be documented in a written report includes:

- (a) All arrests
- (b) All felony crimes
- (c) Non-felony incidents involving threats or stalking behavior
- (d) Situations covered by separate policy. These include:
  1. Use of Force Policy
  2. Domestic Violence Policy
  3. Child Abuse Policy
  4. Adult or Vulnerable Person Abuse Policy
  5. Hate or Prejudice Crimes Policy
  6. Suspicious Activity Reporting Policy
- (e) All misdemeanor crimes where the victim desires a report

Misdemeanor crimes where the victim does not desire a report shall be documented using the department-approved alternative reporting method (e.g., dispatch log).

#### 322.2.2 NON-CRIMINAL ACTIVITY

The following incidents shall be documented using the appropriate approved report:

- (a) Anytime an officer points a firearm at any person.
- (b) Any use of force by a member of this department (see the Use of Force Policy).
- (c) Any firearm discharge (see the Firearms Policy).
- (d) Anytime a person is reported missing (regardless of jurisdiction) (see the Missing Persons Policy).
- (e) Any found property or found evidence.
- (f) Any traffic collisions above the minimum reporting level (see the Traffic Collision Response and Reporting Policy).

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- (g) Suspicious incidents that may indicate a potential for crimes against children, or that a child's safety is in jeopardy.
- (h) All protective custody detentions.
- (i) Suspicious incidents that may place the public or others at risk.
- (j) Whenever the employee believes the circumstances should be documented or at the direction of a supervisor.

#### **322.2.3 DEATH REPORTS**

Reports shall be completed by the handling employee. All deaths shall be handled in compliance with the Death Investigation Policy.

#### **322.2.4 INJURY OR DAMAGE BY CITY PERSONNEL**

Reports shall be taken if an injury occurs that is a result of an act of a City employee. Reports also shall be taken when there is damage to City property or City equipment.

#### **322.2.5 MISCELLANEOUS INJURIES**

Any injury that is reported to this department shall require a report when:

- (a) The injury is a result of a drug overdose.
- (b) There is an attempted suicide.
- (c) The injury is major or serious, whereas death could result.
- (d) The circumstances surrounding the incident are suspicious in nature and it is desirable to record the event.

The above reporting requirements are not intended to be all-inclusive. A supervisor may direct an employee to document any incident he/she deems necessary.

#### **322.3 REQUIRED FIELD REPORTING FORMS**

The following forms shall be used in field reporting as part of the Department RMS and other sources:

- Incident Report (In RMS)
- OH-1 Traffic Crash Report and any associated reports
- Booking Form (In RMS)
- Traffic Citation (MUTT and RMS)
- Criminal Citation
- Field Interview (In RMS)
- Vehicle Impound Report (In RMS and paper form)
- Warnings (In RMS)
- Parking Citations (In RMS and paper citation)

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- (527) Arrest and Investigation Report

#### 322.3.1 REQUIRED INFORMATION IN FIELD REPORTS

- (a) Incident/Investigation Reports shall contain, at the least, the following general information:
1. Report number;
  2. Name of victim or complainant;
  3. Date, time, and location of incident;
  4. Witness information, if any;
  5. Facts that describe the incident;
  6. Facts describing the type of police action taken.
- (b) Depending on the incident being documented, members shall also include specific information regarding the investigation of crimes, such as:
1. Persons information (suspects, witnesses, others), including names, contact information, involvement, etc.;
  2. Information documenting elements of the crime;
  3. Establishment of probable cause;
  4. Location, collection and disposition of property, evidence, etc.,
  5. Other pertinent information which contributes to the cohesiveness of the investigation.
  6. Trespass warnings. (Also emailed to Squad Sergeant for entry into RMS database.)
  7. The name and ID of the officer who applies and double locks the handcuffs.
  8. The name(s) of transporting officer(s).
  9. The names and ID numbers of additional officers on-scene.
- (c) All fields required by the OH-1 Crash Report

#### **322.4 PROCEDURES FOR COMPLETING FIELD REPORTS**

In order to generate a report in the Records Management System, an employee should be assigned to a call in the CAD system. Utilizing the reporting system, employees will electronically generate the type of report they will complete. Officers will complete the mandatory fields for the respective form and save the report. Once the report has been completed, employees will use validation function in the system. If necessary, employees should correct any returned errors. After an error check has been completed, the employee will utilize the 'submit' function to electronically forward the report for supervisory review.

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#### **322.5 REPORT CORRECTIONS**

Supervisors generally, and in every case the supervisor assigned to the night shift shall critically review all reports for content and accuracy. If a correction is necessary, the reviewing supervisor should as soon as possible notify the employee, stating the reasons for rejection. If a paper report, the original report should be returned to the reporting employee for correction as soon as practicable. It shall be the responsibility of the originating employee to ensure that any report returned for correction is processed in a timely manner. Most police reports will be corrected immediately or before the employee secures his/her tour. Property corrections will be completed within 3 days of the notice.

#### **322.6 GENERAL POLICY OF EXPEDITIOUS REPORTING**

In general, all employees and supervisors shall act with promptness and efficiency in the preparation and processing of all reports. An incomplete report, unorganized reports or reports delayed without supervisory approval are not acceptable. Reports shall be processed according to established priorities or according to special priority necessary under exceptional circumstances.

##### **322.6.1 GENERAL POLICY OF HANDWRITTEN REPORTS**

Some incidents and report forms lend themselves to block print rather than typing. In general, the narrative portion of those reports where an arrest is made or when there is a long narrative should be typed or dictated.

Supervisors may require, with the foregoing general policy in mind, block printing or typing of reports of any nature for department consistency.

##### **322.6.2 GENERAL USE OF OTHER HANDWRITTEN FORMS**

County, state and federal agency forms may be block printed as appropriate. In general, the form itself may make the requirement for typing apparent.

#### **322.7 REPORT CHANGES OR ALTERATIONS**

Reports that have been approved by a supervisor and submitted to the Police Clerk for filing and distribution shall not be modified or altered except by way of a supplemental report. Reviewed reports that have not yet been submitted to the Police Clerk may be corrected or modified by the authoring employee only with the knowledge and authorization of the reviewing supervisor.

#### **322.8 FOLLOW-UP INVESTIGATION**

Offenses reports will generally be assigned to the reporting officers for follow-up.

Whenever possible, re-contact the complainant within 48 hours to seek additional information and confirm that the case is being investigated and to follow-up on the finding of serial numbers and owner-applied numbers.

The Department Detective shall have staff supervision of all criminal investigations and will consult, guide, and direct all criminal investigations.

All Offense Reports will be closed as follows:



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**Arrest** - Suspect(s) are under arrest and charged with the offense reported; e.g., charged with Theft for a theft report, not Receiving Stolen Property; or charged with Robbery for a Robbery report, not Theft.

**Otherwise** - A suspect was developed and identified but the complaint refused to prosecute; the suspect is deceased; the suspect is incarcerated for an extensive period of time; etc.

**Unfounded** - Through investigation it was determined that a criminal offense never occurred.

**Inactive** - After exhausting all investigative leads, a suspect could not be identified or there is not enough evidence to substantiate a criminal prosecution.

Whenever possible, contact the complaint either in person, by phone, or through email to advise them that their case has been closed and the category of closure. Document in the narrative of the report the time, date, and to whom you gave this information to.

If the case is being closed inactive the officer will advise the complaint that the case can be reopened if additional evidence or new suspect information is developed.

## Media Relations

### 323.1 PURPOSE AND SCOPE

This policy provides guidelines for media releases and media access to scenes of disasters, criminal investigations, emergencies and other law enforcement activities allowing the prompt release of records in accordance with the mandates of the Ohio Public Records Law (ORC § 149.43).

### 323.2 RESPONSIBILITIES

The ultimate authority and responsibility for the release of information to the media shall remain with the Chief of Police. However, in situations not warranting immediate notice to the Chief of Police and in situations where the Chief of Police has given prior approval, Sergeants, Shift Supervisor officers in charge or the Police Clerk, may prepare and release information to the media in accordance with this policy and the applicable law.

#### 323.2.1 MEDIA REQUEST

Any media request for information, other than common and ordinary public records requests, or access to a law enforcement situation shall be referred to the designated Department media representative, or if unavailable, to the first available supervisor. Prior to releasing any information to the media, employees shall consider the following:

- (a) At no time shall any employee of this department make any comment or release any official information to the media without prior approval from a supervisor or the designated Department media representative.
- (b) In situations involving multiple law enforcement agencies, every reasonable effort should be made to coordinate media releases with the authorized representative of each involved agency prior to the release of any information by this department.
- (c) Under no circumstance should any member of this department make any comments to the media regarding any law enforcement incident not involving this department without prior approval of the Chief of Police.

### 323.3 MEDIA ACCESS

Authorized and bona fide members of the media may be provided access to scenes of disasters, criminal investigations, emergencies and other law enforcement activities (ORC § 2917.13(B)). Access by the media is subject to the following conditions:

- (a) The media representative shall produce valid press credentials that shall be prominently displayed at all times while in areas otherwise closed to the public.
- (b) Media representatives may be prevented from interfering with emergency operations and criminal investigations.
  1. Reasonable effort should be made to provide media representatives with access to a media command post, separate from the operations command post, near the location of the incident providing it will not interfere with emergency operations or a criminal investigation.

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- (c) No member of this department shall be required to submit to media visits or interviews without the consent of the involved employee.
- (d) Media interviews with individuals who are in custody shall not be permitted unless in compliance with a jail facility policy. Exceptions are only permitted with the approval of the Chief of Police and the express written consent of the person in custody.

A tactical operation should be handled in the same manner as a crime scene, except the news media shall be permitted within the outer perimeter of the scene, subject to any restrictions as determined by the supervisor in charge. Department members shall not jeopardize a tactical operation in order to accommodate the news media. All comments to the media shall be coordinated through a supervisor or the Public Information Officer.

#### **323.3.1 ADDITIONAL MEDIA ACCESS GUIDELINES**

The guidelines in policy 323.3 *Media Access* should be communicated to the media to help ensure their cooperation.

#### **323.3.2 TEMPORARY FLIGHT RESTRICTIONS**

Whenever the presence of media or other aircraft pose a threat to public or officer safety or significantly hamper incident operations, the field supervisor should consider requesting a Temporary Flight Restriction (TFR). All requests for a TFR should be routed through the Shift Supervisor. The TFR request should include specific information regarding the perimeter and altitude necessary for the incident. It should be requested through the appropriate control tower. If the control tower is not known, the Federal Aviation Administration (FAA) should be contacted (14 CFR § 91.137).

#### **323.3.3 PROVIDING ADVANCE INFORMATION**

To protect the safety and rights of officers and other persons, advance information about planned actions by law enforcement personnel, such as movement of persons in custody or the execution of an arrest or search warrant, should not be disclosed to the news media nor should media representatives be invited to be present at such actions except with the prior approval of the Chief of Police.

Any exceptions to the above should only be considered for the furtherance of legitimate law enforcement purposes. Prior to approving any exception, the Chief of Police will consider, at minimum, whether the release of information or presence of the media would unreasonably endanger any individual, prejudice the rights of any person or is otherwise prohibited by law.

#### **323.4 SCOPE OF INFORMATION SUBJECT TO RELEASE**

The Department will subscribe to a website which will regularly upload releasable incident reporting data. All relevant media outlets have been advised and individual media inquirers will be advised of its universal routing locator (URL).department

Identifying information concerning deceased individuals should only be released to the media when the decedent's identity has been verified and the release is approved by a supervisor.

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Any requests for copies of related reports or additional information not contained in this log shall be referred to the designated Records Custodian or if unavailable, to the Shift Supervisor. Such requests will generally be processed in accordance with the provisions of the Ohio Public Records Act (ORC § 149.43). Questions concerning the mandates of the Ohio Public Records Act should be resolved through the designated Records Custodian for the requested record, the Chairman of the City Records Commission, or legal counsel.

#### 323.4.1 STATE RESTRICTED INFORMATION

It shall be the responsibility of the authorized employee dealing with media requests to ensure that restricted information is not inappropriately released to the media by this department (see the Records Maintenance and Release and the Personnel Records policies). When in doubt, authorized and available legal counsel should be obtained.

## Subpoenas and Court Appearances

### 324.1 PURPOSE AND SCOPE

This policy establishes the guidelines for department members who must appear in court. It will allow the Mount Healthy Police Department to cover any related work absences and keep the Department informed about relevant legal matters.

### 324.2 POLICY

Mount Healthy Police Department members will respond appropriately to all subpoenas and any other court-ordered appearances regardless of duty status. This includes officers serving disciplinary suspensions or officer sick or injured unless excused by the court issuing the subpoena.

### 324.3 SUBPOENAS

Only department members authorized to receive a subpoena on behalf of this department or any of its members may do so.

A criminal subpoena may be served upon a member in accordance with Ohio Crim. R. 17 by personally serving the named member, reading the subpoena aloud to the member or by leaving it at his/her usual place of residence. Civil subpoenas may be served upon a member in the same manner except that service may also be achieved via United States mail, certified with a return receipt requested (Ohio Civ. R. 45).

Subpoenas shall not be accepted without properly posted fees pursuant to applicable law (Ohio Crim. R. 17; Ohio Civ. R. 45).

#### 324.3.1 SPECIAL NOTIFICATION REQUIREMENTS

Any member who is subpoenaed to testify, agrees to testify or provides information on behalf of or at the request of any party other than the City Attorney or the prosecutor shall notify his/her immediate supervisor without delay regarding:

- (a) Any civil case where the City or one of its members, as a result of his/her official capacity, is a party.
- (b) Any civil case where any other city, county, state or federal unit of government or a member of any such unit of government, as a result of his/her official capacity, is a party.
- (c) Any criminal proceeding where the member is called to testify or provide information on behalf of the defense.
- (d) Any civil action stemming from the member's on-duty activity or because of his/her association with the Mount Healthy Police Department.
- (e) Any personnel or disciplinary matter when called to testify or to provide information by a government entity other than the Mount Healthy Police Department.

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The supervisor will then notify the Chief of Police and the appropriate prosecuting attorney as may be indicated by the case. The Chief of Police should determine if additional legal support is necessary.

No member shall be retaliated against for testifying in any matter.

#### **324.3.2 CIVIL SUBPOENA**

The Department will compensate members who appear in their official capacities on civil matters arising out of their official duties, as directed by the current memorandum of understanding.

The Department should seek reimbursement for the member's compensation through the civil attorney of record who subpoenaed the member.

#### **324.3.2 OFF-DUTY RELATED SUBPOENAS**

Members receiving valid subpoenas for off-duty actions not related to their employment or appointment will not be compensated for their appearance. Arrangements for time off shall be coordinated through their immediate supervisors.

#### **324.4 FAILURE TO APPEAR**

Any member who fails to comply with the terms of any properly served subpoena or court-ordered appearance may be subject to discipline. This includes properly served orders to appear that were issued by a state administrative agency. Officers who are unable to attend a court appearance will immediately notify their Shift Supervisor and complete a Court Continuance Request Form and send it to the appropriate Prosecutor. It is the officer's responsibility to notify the prosecutor and make arrangements for a continuance.

#### **324.5 STANDBY**

Officers who are assigned to First Shift will be permitted to utilize the On-call notification system. A copy of the request will be kept by the Police Clerk at the Front Desk area. To facilitate standby agreements, members are required to provide and maintain current information on their addresses and contact telephone numbers with the Department.

If a member on standby changes his/her location during the day, the member shall notify the Police Clerk or designated department member of how he/she can be reached. Members are required to remain on standby until released by the court or the party that issued the subpoena.

#### **324.6 COURTROOM PROTOCOL**

When appearing in court, members shall:

- (a) Be punctual and prepared to proceed immediately with the case for which they are scheduled to appear.
- (b) Dress in the department uniform or business attire.
- (c) Department members in a light-duty status will dress in business attire and may not wear a uniform until cleared for full-duty

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- (d) Observe all rules of the court in which they are appearing and remain alert to changes in the assigned courtroom where their matter is to be heard.

Carry of a firearm by officers into court rooms or court buildings is subject to local court security rules and shall only be permitted while the officer is acting within the scope of his/her duties as determined by the Chief of Police (ORC § 2923.123). When armed, officers shall carry their badge and Department identification.

#### 324.6.1 TESTIMONY

Before the date of testifying, the subpoenaed member shall request a copy of relevant reports and become familiar with the content in order to be prepared for court.

#### **324.7 OVERTIME APPEARANCES**

When a member appears in court on his/her off-duty time, he/she will be compensated in accordance with the current Labor Agreement .

## Mutual Aid and Outside Agency Assistance

### 325.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance to members when requesting or responding to a request for mutual aid or when assisting another law enforcement agency.

### 325.2 ASSISTING OUTSIDE AGENCIES

Every municipal and township law enforcement agency within Hamilton County and the Hamilton County Sheriff's Office have entered into a Mutual Aid Pact. Generally, if personnel are available, requests for any type of assistance, within one-half mile of Mt. Healthy or as dispatched by Hamilton County Communications, e.g. for search quadrants, traffic posts, etc., will be complied with. Other requests from another agency should be routed to the Shift Supervisor for approval.

When another law enforcement agency requests assistance from department, the Shift Supervisor may authorize, if available, an appropriate number of personnel to assist. Members are reminded that their actions when rendering assistance must conform with applicable laws and be consistent with the policies of this department.

Officers may respond, within a reasonable distance, to an "Officer Needs Assistance" , however, they shall notify a supervisor of their activity as soon as practicable.

Arrestees may be temporarily detained by this department until arrangements for transportation are made by the outside agency. Only in exceptional circumstances, and subject to supervisor approval, will this department provide transportation of arrestees to other facilities on behalf of another agency.

When transportation assistance is rendered, a report shall be prepared and submitted by the handling member unless otherwise directed by a supervisor.

A sheriff may request aid, and this department is required to furnish aid, as is practicable (ORC § 311.07(B)).

#### 325.2.1 INITIATED ACTIVITY

Any on-duty officer who engages in law enforcement activities of any type that are not part of a mutual aid request and take place outside the jurisdiction of the Mount Healthy Police Department shall notify his/her supervisor or the Shift Supervisor and the Communications Center as soon as practicable. This requirement does not apply to special enforcement details or multi-agency units that regularly work in multiple jurisdictions.

#### 325.2.2 PROVIDING LAW ENFORCEMENT SERVICES

The Department may also provide law enforcement services at the direction of the Chief of Police, as authorized by resolution of the City legislative authority (ORC § 505.431; ORC § 511.236; ORC § 737.041).



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### **325.3 REQUESTING OUTSIDE ASSISTANCE**

If assistance is needed from another agency, the member requesting assistance should, if practicable, first notify a supervisor. The handling member or supervisor should direct assisting personnel to where they are needed and to whom they should report when they arrive.

The requesting member should arrange for appropriate radio communication capabilities, if necessary and available, so that communication can be coordinated between assisting personnel.

### **325.4 REPORTING REQUIREMENTS**

Incidents of outside assistance or law enforcement activities shall be documented in a Blotter Entry in Pamet .

### **325.5 MANDATORY SHARING**

Equipment and supplies purchased with federal funds or grants that require such equipment and supplies be shared with other agencies should be documented and updated as necessary by the Administration Sergeant or the authorized designee.

The documentation should include:

- (a) The conditions relative to sharing.
- (b) The training requirements for:
  - 1. The use of the supplies and equipment.
  - 2. The members trained in the use of the supplies and equipment.
- (c) Any other requirements for use of the equipment and supplies.

Copies of the documentation should be provided to the Communications Center and the Shift Supervisor to ensure use of the equipment and supplies is in compliance with the applicable sharing agreements.

The Police Chief should maintain documentation that the appropriate members have received the required training.

### **325.6 POLICY**

It is the policy of the Mount Healthy Police Department to promptly respond to requests for assistance by other law enforcement agencies, subject to available resources and consistent with the applicable laws and policies of this department.

## Registered Offender Information

### 326.1 PURPOSE AND SCOPE

This policy establishes guidelines by which the Mount Healthy Police Department will address issues associated with certain offenders who are residing in the jurisdiction and how the Department will disseminate information and respond to public inquiries for information about registered offenders.

### 326.2 POLICY

It is the policy of the Mount Healthy Police Department to identify and monitor registered offenders living within this jurisdiction and to take reasonable steps to address the risks those persons may pose.

### 326.3 REGISTRATION

The Hamilton County Sheriff has established processes to accommodate registration of offenders at the Hamilton County Justice Center.

### 326.4 MONITORING OF REGISTERED OFFENDERS

The Investigation Section supervisor should establish a system to periodically, and at least once annually, verify that a registrant remains in compliance with his/her registration requirements after the initial registration. This verification should include:

- (a) Efforts to confirm residence using an unobtrusive method, such as an internet search or drive-by of the declared residence.
- (b) Review of information on the Attorney General's Electronic Sex Offender Registration and Notification (eSORN) website, the Attorney General's arson registry, or the BCI's violent offender database.
- (c) Contact with a registrant's parole or probation officer.

Any discrepancies should be reported to BCI.

#### 326.4.1 MANDATORY NOTIFICATIONS

The Investigation Section supervisor should establish procedures for providing notice to the local prosecutor in the event that an officer learns that a restricted offender (as defined by ORC § 2950.01) is serving in a volunteer position that violates the provisions of ORC § 2950.035 (i.e., a position that affords extensive contact with minor children).

### 326.5 DISSEMINATION OF PUBLIC INFORMATION

Members will not unilaterally make a public notification advising the community of a particular registrant's presence in the community. Members who identify a significant risk or other public safety issue associated with a registrant should promptly advise their supervisor. The supervisor should evaluate the request and forward the information to the Chief of Police if warranted. A determination will be made by the Chief of Police, with the assistance of legal counsel as necessary, whether such a public alert should be made.

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Members of the public requesting information on registrants should be provided the Attorney General's eSORN website or the Mount Healthy Police Department's website.

The Police Clerk shall release local registered offender information to residents in accordance with ORC § 2950.081 and in compliance with a Public Records Act request.

#### **326.5.1 RELEASE NOTIFICATION**

Registrant information that is released should include notification that:

- (a) The offender registry includes only those persons who have been required by law to register and who are in compliance with the offender registration laws.
- (b) The information is provided as a public service and may not be current or accurate.
- (c) Persons should not rely solely on the offender registry as a safeguard against offenses in their communities.
- (d) The crime for which a person is convicted may not accurately reflect the level of risk.
- (e) Anyone who uses information contained in the registry to harass registrants or commit any crime may be subject to criminal prosecution.

#### **326.6 MANDATORY DISSEMINATION**

The Investigation Section Supervisor shall make the following notices:

- (a) A victim of a sexually oriented offense or a child-victim oriented offense who requests information as to whether an offender has registered or changed his/her address, shall be provided with the following information (ORC § 2950.10):
  1. The registrant's name
  2. The registrant's photograph
  3. The address of the registrant's residence
  4. The address of the registrant's school, institution of higher education or place of employment, as applicable
- (b) Community members within a geographic area where a Tier III offender has registered should be provided with the following information (ORC § 2950.11):
  1. The registrant's name
  2. The registrant's photograph
  3. The address of the registrant's residence
  4. The address of the registrant's school, institution of higher education or place of employment, as applicable
  5. The offense and whether it resulted in conviction, a guilty plea or adjudication.
  6. A statement identifying the specific category in which the offender must register.

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##### 326.6.1 INFORMATION VIA THE INTERNET

The following information for adult offenders and child offenders who have been classified as a public registry-qualified juvenile offender may be included on the Department's website (ORC § 2950.081):

- (a) Information provided on a registration form as described in this policy and pursuant to ORC § 2950.04, except for the following:
  - 1. The registrant's Social Security number
  - 2. The name of the school or place of employment of the registrant
  - 3. The tracking or identification number assigned by BCI to the registrant
  - 4. The registrant's driver license or identification card number
- (b) An explanation of the three-tier system, including which sexually oriented offenses and child-victim oriented offenses are included in each tier.
- (c) A statement identifying each registrant's tier.

## Major Incident Notification

### 327.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance to members of this department in determining when, how and to whom notification of major incidents should be made.

### 327.2 POLICY

The Mount Healthy Police Department recognizes that certain incidents should be brought to the attention of supervisors or other specified personnel of this department to facilitate the coordination of activities and ensure that inquiries from the media and the public may be properly addressed.

### 327.3 MINIMUM CRITERIA FOR NOTIFICATION

Most situations where the media show a strong interest are also of interest to the Chief of Police and the affected Sergeant. The following list of incident types is provided as a guide for notification and is not intended to be all inclusive:

- Homicides, suspicious deaths or deaths related to law enforcement activity
- Traffic collisions with fatalities or severe injuries
- Officer-involved shooting, whether on- or off-duty (see the Officer-Involved Shootings and Deaths Policy for special notifications) and vehicle pursuits that are extended or prolonged
- Significant injury or death to an employee, whether on- or off-duty
- Death of a prominent Mt. Healthy official
- Arrest of Department employee or prominent Mt. Healthy official
- Air crash or boat, train or bus collision with major damage and/or injury or death
- In-custody deaths
- Crimes of unusual violence or circumstances that may include hostages, barricaded persons, home invasions, armed robbery or sexual assaults
- Equipment failures, utility failures and incidents that may affect staffing or pose a threat to basic police services
- Any other incident, which has or is likely to attract significant media attention

### 327.4 SHIFT SUPERVISOR RESPONSIBILITIES

The Shift Supervisor or Officer in Charge is responsible for making the appropriate notifications. The Shift Supervisor shall make reasonable attempts to obtain as much information on the incident as possible before notification, and shall attempt to make the notifications as soon as practicable. Notification should be made by using the call notification protocol posted in the Communications Center.

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##### 327.4.1 STAFF NOTIFICATION

In the event an incident occurs as identified in the Minimum Criteria for Notification above, the Chief of Police shall be notified along with the affected Sergeant.

##### 327.4.2 DETECTIVE NOTIFICATION

If the incident requires that an officer or investigator respond from home, the immediate shift supervisor will be contacted first.

##### 327.4.3 TRAFFIC OFFICER NOTIFICATION

In the event of a traffic fatality or life threatening injury, a supervisor or Officer in Charge will be notified. They will determine if a Hamilton County Sheriff's Traffic Unit will be requested under Mutual Aid. If a Mount Healthy Police vehicle is involved in an auto accident the on-duty supervisor or Officer in Charge will request a Hamilton County Traffic Unit to conduct the investigation. The Police Chief will immediately be notified by the on-duty supervisor or Officer in Charge of any officer injured as a result of a traffic crash involving a city owned vehicle.

##### 327.4.4 PUBLIC INFORMATION OFFICER

After members of the staff have been notified, the Police Chief or designee will determine how the media will be notified .

## Death Investigation

### 328.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for situations where officers initially respond to and investigate the circumstances of a deceased person.

Some causes of death may not be readily apparent and some cases differ substantially from what they appear to be initially. The thoroughness of death investigations and use of appropriate resources and evidence gathering techniques is critical.

### 328.2 INVESTIGATION CONSIDERATIONS

Death investigation cases require certain actions be taken. Emergency Medical Services shall be called in all suspected death cases unless the death is obvious (e.g., decapitated or decomposed). A supervisor shall be notified in all death investigations.

#### 328.2.1 CORONER REQUEST

The Coroner's Office (Hamilton County Coroner's Office) shall be immediately called and notified of all known facts concerning the time, place, manner and circumstances in all deaths. Death scenes are the sole responsibility of the Hamilton County Coroner's Office. Evidence on death scenes will not be moved or collected prior to the arrival of the Coroner's Investigator. With the exception of life threatening situations or situations where evidence is in the process of being destroyed, officers will not conduct any investigation involving the deceased until after the Coroner's Office arrives or gives instruction to do otherwise. The name, date, and time of the Coroner's Notification will be clearly listed in the report. Mount Healthy officers must remember the death scene belongs to the Coroner's Office until such time as it is released to the local agency.

The Coroner shall be called and notified of all known facts concerning the time, place, manner and circumstances in all sudden or unexpected deaths or deaths due to other than natural causes including, but not limited to (ORC § 313.12(A)):

- (a) Unnatural deaths, including violent deaths arising from homicide, suicide or accident.
- (b) Deaths due to a fire or associated with burns or chemical, electrical or radiation injury.
- (c) Unexplained or unexpected perinatal and postpartum maternal deaths.
- (d) Deaths under suspicious, unusual or unexpected circumstances.
- (e) Deaths of persons whose bodies are to be cremated or otherwise disposed of so that the bodies will later be unavailable for examination.
- (f) Deaths of inmates of public institutions and persons in custody of law enforcement officers who have not been hospitalized primarily for organic disease.
- (g) Deaths that occur during, in association with, or as the result of diagnostic, therapeutic or anesthetic procedures.
- (h) Deaths due to culpable neglect.
- (i) Stillbirths of 20 weeks or longer gestation unattended by a physician.

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- (j) Sudden deaths of persons not affected by recognizable disease.
- (k) Unexpected deaths of persons notwithstanding a history of underlying disease.
- (l) Deaths in which a fracture of a major bone, such as a femur, humerus or tibia, has occurred within the past six months.
- (m) Deaths unattended by a physician occurring outside of a licensed health care facility or licensed residential hospice program.
- (n) Deaths of persons not seen by their physician within 120 days of demise.
- (o) Deaths of persons occurring in an emergency department.
- (p) Stillbirths or deaths of newborn infants in which there has been maternal use of or exposure to unprescribed controlled substances, including street drugs, or in which there is history or evidence of maternal trauma.
- (q) Unexpected deaths of children.
- (r) Solid organ donors.
- (s) Unidentified bodies.
- (t) Skeletonized remains.
- (u) Unexpected deaths occurring within 24 hours of arrival at a health care facility.
- (v) Deaths associated with the decedent's employment.
- (w) Deaths of nonregistered hospice patients or patients in non-licensed hospice programs.
- (x) Deaths attributable to acts of terrorism.
- (y) Death of a developmentally disabled person, regardless of the circumstances.

#### 328.2.2 SPECIAL CIRCUMSTANCE DEATHS

The Coroner, a Deputy Coroner or an appointed Coroner Investigator is required to investigate the site of the death of any child under 2 years of age who dies suddenly when in apparent good health, absent contrary religious beliefs. The investigation is required to incorporate the examinations required by law (OAC § 3701-5-14).

#### 328.2.3 SEARCHING DEAD BODIES

The Coroner or the Coroner's assistants and authorized investigators are generally the only persons permitted to move, handle, or search a body known to be dead.

An officer is permitted to make a reasonable search of an individual who it is reasonable to believe is dead, or near death, for a document of gift or other information identifying the individual as a donor or as an individual who made a refusal (ORC § 2108.12(A)(1)). If a donor document is located, the Coroner shall be promptly notified.

Should exigent circumstances indicate to an officer that any other search of a known dead body is warranted prior to the arrival of the Coroner, the investigating officer should first obtain verbal consent from the Coroner.



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Whenever personal effects are removed from the body of the deceased by the Coroner, a receipt shall be obtained. This receipt shall be attached to the death report.

Whenever reasonably possible, a witness, preferably a relative of the deceased or a member of the household, should be requested to remain nearby the scene and available to the officer, pending the arrival of the Coroner.

The name and address of this person shall be included in the narrative of the death report.

#### 328.2.4 DEATH NOTIFICATION

Officers investigating a traffic collision and who discover any person who is deceased or is pronounced dead at the scene, or who suffers a serious, life-threatening injury in a motor vehicle accident, is responsible for identifying the person and notifying the person's next of kin (ORC § 4501.80).

Identification of victims and notification should be done without delay although proper and accurate identification of victims is necessary prior to making any notification to the next of kin. Identification resources include the next of kin registration database maintained for law enforcement by the Bureau of Motor Vehicles and the Coroner.

Notification to the next of kin of a deceased person shall be made, in person, by the officer assigned to the incident in compliance with Department training on death notifications. If the next of kin lives in another jurisdiction, a law enforcement official from that jurisdiction may be requested to make the personal notification.

In non-traffic deaths, when notification is not performed by the Coroner, and if a deceased person has been identified as a missing person, this department should attempt to locate family members and inform them of the death and location of the deceased missing person's remains as described above.

In all notifications, the notification shall be documented and the Coroner shall be informed whether the notification has been made.

Should a human death result from a fire, this department may notify the state or City fire marshal as allowed by law.

#### 328.2.5 UNIDENTIFIED DEAD BODIES

If the identity of a dead body cannot be established after the Coroner arrives, the Coroner will issue a "John Doe" or "Jane Doe" number for the report.

#### 328.2.6 UNIDENTIFIED BODIES DATA ENTRY

As soon as reasonably possible, but no later than 30 working days after the date a death is reported to the Department, all available identifying features of the unidentified body including dental records, fingerprints, any unusual physical characteristics and a description of clothing or personal belongings found on or with the body shall be forwarded to the Coroner for entry into the Ohio Bureau of Criminal Identification and Investigation database, the Missing Children and

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Missing Persons Information Clearinghouse and the National Crime Information Center (NCIC) file (ORC § 313.08).

#### **328.2.7 DEATH INVESTIGATION REPORTING**

All incidents involving a death shall be documented on the appropriate form.

All incidents involving a death shall be documented on the Mt. Healthy Death Investigation Check List packet. The packet will be maintained in each vehicle and replaced when used. The Mt. Healthy Death investigation Check List will be used for all death investigations. The packet also contains a crime scene log for homicide investigations and a neighborhood canvass sheet for general use. After the on scene investigation is concluded officers will complete a report in the RMS. The report, Mt. Healthy Death Investigation Checklist, photographs, crime scene diagrams and any additional material will be placed in a case file bearing the decedent's first and last name. This file will then be given to the officer's assigned supervisor for review. The case will then be reviewed by the supervisor in conjunction with the detective bureau. Any necessary follow-up investigation will be assigned. The case file will then promptly be provided to the police clerk who will assign a case number. The case file will then be filed by the police clerk.

#### **328.2.8 SUSPECTED HOMICIDE**

If the initially assigned officer suspects that the death involves a homicide or other suspicious circumstances, the officer shall take steps to protect the scene. The Investigation Section shall be notified to determine the possible need for an investigator to respond to the scene for further immediate investigation.

If the on-scene supervisor, through consultation with the Shift Supervisor or Investigation Section supervisor, is unable to determine the manner of death, the investigation shall proceed as though it is a homicide.

The assigned investigator investigating a homicide or a death under suspicious circumstances may, with the approval of his/her supervisor, request the Coroner to conduct physical examinations and tests and provide a report.

#### **328.2.9 EMPLOYMENT-RELATED DEATHS OR INJURIES**

Any member of this department who responds to and determines that a death, serious illness, or serious injury has occurred as a result of an accident at or in connection with the victim's employment should ensure that the nearest office of the Occupational Safety and Health Administration or the Ohio Public Employment Risk Reduction Program is notified by telephone or electronic notification with all pertinent information.

### **328.3 POLICY**

It is the policy of the Mount Healthy Police Department to respond, document, and investigate incidents where a person is deceased. Investigations involving the death of a person, including those from natural causes, accidents, workplace incidents, suicide, and homicide, shall be initiated, conducted, and properly documented.

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#### **328.4 PREGNANCY-ASSOCIATED DEATH INVESTIGATIONS**

Officers investigating the death of a woman while pregnant or within one year after pregnancy should make sure that the pregnancy-associated mortality review board receives information and documentation as provided in ORC § 3738.02 and ORC § 3738.05.

#### **328.5 COUNTY FATALITY REVIEW COMMITTEES AND BOARDS**

Officers investigating any of the following should notify the appropriate county review committee or board of the conclusion of the investigation and, upon request from the review committee or board, provide information or documentation as appropriate and as applicable:

- (a) A drug overdose death (ORC § 307.635; ORC § 307.637)
- (b) A suicide (ORC § 307.645; ORC § 307.647)
- (c) A domestic violence fatality (ORC § 307.655; ORC § 307.657)
- (d) A fetal infant mortality (ORC § 3707.71; ORC § 3707.74)
- (e) A child fatality (ORC § 2151.421)

## Identity Theft

### 329.1 PURPOSE AND SCOPE

Identity theft is a growing trend that frequently involves related crimes in multiple jurisdictions. This policy is intended to provide guidelines for the reporting and investigation of such crimes.

### 329.2 REPORTING

- (a) In an effort to maintain uniformity in reporting, officers presented with the crime of identity theft (ORC § 2913.49(B)) shall initiate a report for crimes occurring in this jurisdiction.
- (b) For incidents of identity theft occurring outside this jurisdiction officers may either:
  1. Complete a courtesy report to be forwarded to the agency where the crime was committed or if the location is unknown, to the victim's residence agency.
  2. If no report is taken, encourage the victim to promptly report the identity theft to the law enforcement agency where he/she resides.
- (c) While the crime of identity theft should be reported to the law enforcement agency where the victim resides, officers of this department should investigate and report crimes occurring within this jurisdiction that have resulted from the original identity theft (e.g., the identity theft occurred elsewhere but the credit card fraud occurred and is reported in this jurisdiction).
- (d) Officers should include all known incidents of fraudulent activity (e.g., credit card number applied for in victim's name when the victim has never made such an application).
- (e) Officers should also cross-reference all known reports made by the victim (e.g., U.S. Secret Service, credit reporting bureaus, U.S. Postal Service and the Ohio Department of Public Safety's Driver and Vehicle Services Division) with all known report numbers.
- (f) Following supervisory review and Department processing, the initial report should be forwarded to the appropriate investigator for follow-up investigation, coordination with other agencies and prosecution as circumstances dictate.

### 329.3 PREVENTIVE MEASURES

The victim should be advised to place a security freeze on his/her consumer report, as allowed by law. A victim may also access <http://www.ohioattorneygeneral.gov/consumerlaws> for further information.

Employees of this department shall notify the Police Clerk of any breach of the security of any Department information systems if personal information is reasonably believed to have been accessed and acquired by an unauthorized person that could cause a material risk of identity theft or other fraud to a resident of Ohio (ORC § 1347.12(B)(1) and ORC § 1349.19(C)).

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The Police Clerk shall notify the person whose personal information has been breached using any of the methods allowed pursuant to ORC § 1347.12(E) (ORC § 1347.12(B)(1)).

The notification may be delayed if it is reasonably believed that the disclosure would impede a criminal investigation or jeopardize homeland or national security (ORC § 1347.12(D)).

#### **329.4 INFORMATION**

The victim should be encouraged to contact the Federal Trade Commission (FTC), which is responsible for receiving and processing complaints under the Identity Theft and Assumption Deterrence Act. The victim can contact the FTC online at <http://www.ftc.gov/bcp/menus/consumer/data/idt.shtm> or by telephone at 877-ID Theft (877-438-4338). Additional information may be found at the U.S. Department of Justice website, <http://www.usdoj.gov>, or the FBI at <http://cincinnati.fbi.gov> and <http://cleveland.fbi.gov>.

## Private Person's Arrests

### 330.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance for handling private person's arrests and detentions made pursuant to state law.

### 330.2 ADVISING PRIVATE PERSONS OF THE ARREST PROCESS

In circumstance where applicable, officers shall advise civilians of the right to make a private person's arrest, including advice on how to safely execute such an arrest. In all situations, officers should use sound discretion in determining whether to advise an individual of the arrest process.

- (a) When advising any individual regarding the right to make a private person's arrest, officers should refrain from encouraging or dissuading any individual from making such an arrest and should instead limit advice to the legal requirements for such an arrest, as listed below.
- (b) Private individuals should be discouraged from using force to effect a private person's arrest. Absent immediate threat to their own safety or the safety of others, private individuals should be encouraged to refer matters to law enforcement officials for further investigation or arrest.
- (c) individuals shall be informed of the requirement to inform the person to be arrested, prior to making the arrest, of the intention to arrest him/her and the reason for the arrest (ORC § 2935.07).
- (d) Private individuals shall be informed of the requirement to take the arrested person before a judge or to a peace officer without unnecessary delay (ORC § 2935.06).

### 330.3 ARRESTS BY PRIVATE PERSONS

A private person may arrest another under the following circumstances:

- (a) When a felony has been committed and he/she has reasonable cause to believe the person to be arrested committed the felony (ORC § 2935.04).
- (b) When reasonable information exists that the accused stands charged in the courts of any state with a crime punishable by death or imprisonment for a term exceeding one year (ORC § 2963.12).

#### 330.3.1 DETENTIONS BY PRIVATE PERSONS

A private person may detain another for subsequent arrest by a peace officer under the following circumstances:

- (a) Museums, archival institutions, libraries, merchants, and their agents and employees who have probable cause to believe the person to be detained is a shoplifter or has otherwise committed a theft of their property (ORC § 2935.041(A), (B), and (C)).
- (b) Motion picture presentation facilities and their agents and employees who have probable cause to believe a person is or has been recording in violation of ORC § 2913.07 (ORC § 2935.041(D)).

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#### **330.4 OFFICER RESPONSIBILITIES**

Any officer presented with a private person wishing to make an arrest must determine whether there is reasonable cause to believe that such an arrest would be lawful.

- (a) Should any officer determine that there is no reasonable cause to believe that a private person's arrest is lawful, the officer should take no action to further detain or restrain the individual beyond that which reasonably appears necessary to investigate the matter, to determine the lawfulness of the arrest and protect the public safety.
  - 1. Any officer who determines that a private person's arrest appears to be unlawful should promptly release the arrested individual. The officer must include the basis of such a determination in a related report.
  - 2. Absent reasonable cause to support a private person's arrest or other lawful grounds to support an independent arrest by the officer, the officer should advise the parties that no arrest will be made and that the circumstances will be documented in a related report.
- (b) Whenever an officer determines that there is reasonable cause to believe that a private person's arrest is lawful, the officer may exercise any of the following options:
  - 1. Take the individual into physical custody for booking.
  - 2. Release the individual upon a misdemeanor citation or pending formal charges.

#### **330.5 REPORTING REQUIREMENTS**

In all circumstances in which a private person is claiming to have made an arrest, the individual must complete and sign the Ohio Incident Based Reporting System (OIBRS) report and an affidavit. If the person fails or refuses to do so, the arrested subject shall be released unless the officer has an independent reason to take the person into custody.

In addition to the OIBRS report and an affidavit (and any other related documents, such as citations and booking forms), officers shall complete a narrative report regarding the circumstances and disposition of the incident.

## Limited English Proficiency Services

### 331.1 PURPOSE AND SCOPE

This policy provides guidance to members when communicating with individuals with limited English proficiency (LEP) (42 USC § 2000d).

#### 331.1.1 DEFINITIONS

Definitions related to this policy include:

**Authorized interpreter** - A person who has been screened and authorized by the Department to act as an interpreter and/or translator for others.

**Interpret or interpretation** - The act of listening to a communication in one language (source language) and orally converting it to another language (target language), while retaining the same meaning.

**Limited English proficient (LEP)** - Any individual whose primary language is not English and who has a limited ability to read, write, speak or understand English. These individuals may be competent in certain types of communication (e.g., speaking or understanding) but still be LEP for other purposes (e.g., reading or writing). Similarly, LEP designations are context-specific; an individual may possess sufficient English language skills to function in one setting but these skills may be insufficient in other situations.

**Qualified bilingual member** - A member of the Mount Healthy Police Department, designated by the Department, who has the ability to communicate fluently, directly and accurately in both English and another language. Bilingual members may be fluent enough to communicate in a non-English language but may not be sufficiently fluent to interpret or translate from one language into another.

**Translate or translation** - The replacement of written text from one language (source language) into an equivalent written text (target language).

### 331.2 POLICY

It is the policy of the Mount Healthy Police Department to reasonably ensure that LEP individuals have meaningful access to law enforcement services, programs and activities, while not imposing undue burdens on its members.

The Department will not discriminate against or deny any individual access to services, rights or programs based upon national origin or any other protected interest or right.

### 331.3 LEP COORDINATOR

The Chief of Police shall delegate certain responsibilities to an LEP Coordinator. The LEP Coordinator shall be appointed by, and directly responsible to, the Patrol Sergeant or the authorized designee.

The responsibilities of the LEP Coordinator include, but are not limited to:



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- (a) Coordinating and implementing all aspects of the Mount Healthy Police Department's LEP services to LEP individuals.
- (b) Developing procedures that will enable members to access LEP services, including telephonic interpreters, and ensuring the procedures are available to all members.
- (c) Ensuring that a list of all qualified bilingual members and authorized interpreters is maintained and available to each Shift Supervisor and Communications Supervisor. The list should include information regarding the following:
  - 1. Languages spoken
  - 2. Contact information
  - 3. Availability
- (d) Ensuring signage stating that interpreters are available free of charge to LEP individuals is posted in appropriate areas and in the most commonly spoken languages.
- (e) Reviewing existing and newly developed documents to determine which are vital documents and should be translated, and into which languages the documents should be translated.
- (f) Annually assessing demographic data and other resources, including contracted language services utilization data and community-based organizations, to determine if there are additional documents or languages that are appropriate for translation.
- (g) Identifying standards and assessments to be used by the Department to qualify individuals as qualified bilingual members or authorized interpreters.
- (h) Periodically reviewing efforts of the Department in providing meaningful access to LEP individuals, and, as appropriate, developing reports, new procedures, or recommending modifications to this policy.
- (i) Receiving and responding to complaints regarding department LEP services.
- (j) Ensuring appropriate processes are in place to provide for the prompt and equitable resolution of complaints and inquiries regarding discrimination in access to department services, programs and activities.

#### **331.4 FOUR-FACTOR ANALYSIS**

Since there are many different languages that members could encounter, the Department will utilize the four-factor analysis outlined in the U.S. Department of Justice (DOJ) Guidance to Federal Financial Assistance Recipients, available at the DOJ website, to determine which measures will provide meaningful access to its services and programs. It is recognized that law enforcement contacts and circumstances will vary considerably. This analysis, therefore, must remain flexible and will require an ongoing balance of four factors, which are:

- (a) The number or proportion of LEP individuals eligible to be served or likely to be encountered by department members, or who may benefit from programs or services within the jurisdiction of the Department or a particular geographic area.

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- (b) The frequency with which LEP individuals are likely to come in contact with department members, programs or services.
- (c) The nature and importance of the contact, program, information or service provided.
- (d) The cost of providing LEP assistance and the resources available.

#### **331.5 TYPES OF LEP ASSISTANCE AVAILABLE**

Mount Healthy Police Department members should never refuse service to an LEP individual who is requesting assistance, nor should they require an LEP individual to furnish an interpreter as a condition for receiving assistance. The Department will make every reasonable effort to provide meaningful and timely assistance to LEP individuals through a variety of services.

The Department will utilize all reasonably available tools, such as language identification cards, when attempting to determine an LEP individual's primary language.

LEP individuals may choose to accept department-provided LEP services at no cost or they may choose to provide their own.

Department-provided LEP services may include, but are not limited to, the assistance methods described in this policy.

#### **331.6 WRITTEN FORMS AND GUIDELINES**

Vital documents or those that are frequently used should be translated into languages most likely to be encountered. The LEP Coordinator will arrange to make these translated documents available to members and other appropriate individuals, as necessary.

#### **331.7 AUDIO RECORDINGS**

The Department may develop audio recordings of important or frequently requested information in a language most likely to be understood by those LEP individuals who are representative of the community being served.

#### **331.8 QUALIFIED BILINGUAL MEMBERS**

Bilingual members may be qualified to provide LEP services when they have demonstrated through established department procedures a sufficient level of skill and competence to fluently communicate in both English and a non-English language. Members utilized for LEP services must demonstrate knowledge of the functions of an interpreter/translator and the ethical issues involved when acting as a language conduit. Additionally, bilingual members must be able to communicate technical and law enforcement terminology, and be sufficiently proficient in the non-English language to perform complicated tasks, such as conducting interrogations, taking statements, collecting evidence or conveying rights or responsibilities.

When a qualified bilingual member from this department is not available, personnel from other City departments, who have been identified by the Department as having the requisite skills and competence, may be requested.

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### **331.9 AUTHORIZED INTERPRETERS**

Any person designated by the Department to act as an authorized interpreter and/or translator must have demonstrated competence in both English and the involved non-English language, must have an understanding of the functions of an interpreter that allows for correct and effective translation, and should not be a person with an interest in the department case or investigation involving the LEP individual. A person providing interpretation or translation services may be required to establish the accuracy and trustworthiness of the interpretation or translation in a court proceeding.

Authorized interpreters must pass a screening process established by the LEP Coordinator which demonstrates that their skills and abilities include:

- (a) The competence and ability to communicate information accurately in both English and in the target language.
- (b) Knowledge, in both languages, of any specialized terms or concepts peculiar to this department and of any particularized vocabulary or phraseology used by the LEP individual.
- (c) The ability to understand and adhere to the interpreter role without deviating into other roles, such as counselor or legal adviser.
- (d) Knowledge of the ethical issues involved when acting as a language conduit.

#### **331.9.1 SOURCES OF AUTHORIZED INTERPRETERS**

The Department may contract with authorized interpreters who are available over the telephone. Members may use these services with the approval of a supervisor and in compliance with established procedures.

Other sources may include:

- Qualified bilingual members of this department or personnel from other City departments.
- Individuals employed exclusively to perform interpretation services.
- Contracted in-person interpreters, such as state or federal court interpreters, among others.
- Interpreters from other agencies who have been qualified as interpreters by this department, and with whom the Department has a resource-sharing or other arrangement that they will interpret according to department guidelines.

#### **331.9.2 COMMUNITY VOLUNTEERS AND OTHER SOURCES OF LANGUAGE ASSISTANCE**

Language assistance may be available from community volunteers who have demonstrated competence in either monolingual (direct) communication and/or in interpretation or translation (as noted in above), and have been approved by the Department to communicate with LEP individuals.

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Where qualified bilingual members or other authorized interpreters are unavailable to assist, approved community volunteers who have demonstrated competence may be called upon when appropriate. However, department members must carefully consider the nature of the contact and the relationship between the LEP individual and the volunteer to ensure that the volunteer can provide neutral and unbiased assistance.

While family or friends of an LEP individual may offer to assist with communication or interpretation, members should carefully consider the circumstances before relying on such individuals. For example, children should not be relied upon except in exigent or very informal and non-confrontational situations.

#### **331.10 CONTACT AND REPORTING**

While all law enforcement contacts, services and individual rights are important, this department will utilize the four-factor analysis to prioritize service to LEP individuals so that such services may be targeted where they are most needed, according to the nature and importance of the particular law enforcement activity involved.

Whenever any member of this department is required to complete a report or other documentation, and interpretation services are provided to any involved LEP individual, such services should be noted in the related report. Members should document the type of interpretation services utilized and whether the individual elected to use services provided by the Department or some other identified source.

#### **331.11 RECEIVING AND RESPONDING TO REQUESTS FOR ASSISTANCE**

The Mount Healthy Police Department will take reasonable steps and will work with the Personnel Department to develop in-house language capacity by hiring or appointing qualified members proficient in languages representative of the community being served.

##### **331.11.1 EMERGENCY CALLS TO 9-1-1**

Department members will make every reasonable effort to promptly accommodate LEP individuals utilizing 9-1-1 lines. When a 9-1-1 call-taker receives a call and determines that the caller is an LEP individual, the call-taker shall quickly determine whether sufficient information can be obtained to initiate an appropriate emergency response. If language assistance is still needed, the language is known and a qualified bilingual member is available in the Communications Center, the call shall immediately be handled by the qualified bilingual member.

If a qualified bilingual member is not available or the call-taker is unable to identify the caller's language, the call-taker will contact the contracted telephone interpretation service and establish a three-way call between the call-taker, the LEP individual and the interpreter.

Dispatchers will make every reasonable effort to dispatch a qualified bilingual member to the assignment, if available and appropriate.

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While 9-1-1 calls shall receive top priority, reasonable efforts should also be made to accommodate LEP individuals seeking routine access to services and information by utilizing the resources listed in this policy.

#### **331.12 FIELD ENFORCEMENT**

Field enforcement will generally include such contacts as traffic stops, pedestrian stops, serving warrants and restraining orders, crowd/traffic control and other routine field contacts that may involve LEP individuals. The scope and nature of these activities and contacts will inevitably vary. Members and/or supervisors must assess each situation to determine the need and availability of language assistance to all involved LEP individuals and utilize the methods outlined in this policy to provide such assistance.

Although not every situation can be addressed in this policy, it is important that members are able to effectively communicate the reason for a contact, the need for information and the meaning or consequences of any enforcement action. For example, it would be meaningless to request consent to search if the officer is unable to effectively communicate with an LEP individual.

If available, officers should obtain the assistance of a qualified bilingual member or an authorized interpreter before placing an LEP individual under arrest.

#### **331.13 INVESTIGATIVE FIELD INTERVIEWS**

In any situation where an interview may reveal information that could be used as the basis for arrest or prosecution of an LEP individual and a qualified bilingual member is unavailable or lacks the skills to directly communicate with the LEP individual, an authorized interpreter should be used. This includes interviews conducted during an investigation with victims, witnesses and suspects. In such situations, audio recordings of the interviews should be made when reasonably possible. Identification and contact information for the interpreter (e.g., name, address) should be documented so that the person can be subpoenaed for trial if necessary.

If an authorized interpreter is needed, officers should consider calling for an authorized interpreter in the following order:

- An authorized department member or allied agency interpreter
- An authorized telephone interpreter
- Any other authorized interpreter

Any *Miranda* warnings shall be provided to suspects in their primary language by an authorized interpreter or, if the suspect is literate, by providing a translated *Miranda* warning card.

The use of an LEP individual's bilingual friends, family members, children, neighbors or bystanders may be used only when a qualified bilingual member or authorized interpreter is unavailable and there is an immediate need to interview an LEP individual.

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#### **331.14 CUSTODIAL INTERROGATIONS**

Miscommunication during custodial interrogations may have a substantial impact on the evidence presented in a criminal prosecution. Only qualified bilingual members or, if none is available or appropriate, authorized interpreters shall be used during custodial interrogations. *Miranda* warnings shall be provided to suspects in their primary language by the qualified bilingual member or an authorized interpreter.

In order to ensure that translations during custodial interrogations are accurately documented and are admissible as evidence, interrogations should be recorded whenever reasonably possible. See guidance on recording custodial interrogations in the Investigation and Prosecution Policy.

#### **331.15 BOOKINGS**

When gathering information during the booking process, members should remain alert to the impediments that language barriers can create. In the interest of the arrestee's health and welfare, the safety and security of the facility, and to protect individual rights, it is important that accurate medical screening and booking information be obtained. Members should seek the assistance of a qualified bilingual member whenever there is concern that accurate information cannot be obtained or that booking instructions may not be properly understood by an LEP individual.

#### **331.16 COMPLAINTS**

The Department shall ensure that LEP individuals who wish to file a complaint regarding members of this department are able to do so. The Department may provide an authorized interpreter or translated forms, as appropriate. Complaints will be referred to the LEP Coordinator.

Investigations into such complaints shall be handled in accordance with the Personnel Complaints Policy. Authorized interpreters used for any interview with an LEP individual during an investigation should not be members of this department.

Any notice required to be sent to an LEP individual as a complaining party pursuant to the Personnel Complaints Policy should be translated or otherwise communicated in a language-accessible manner.

#### **331.17 COMMUNITY OUTREACH**

Community outreach programs and other such services offered by this department are important to the ultimate success of more traditional law enforcement duties. This department will continue to work with community groups, local businesses and neighborhoods to provide equal access to such programs and services.

#### **331.18 TRAINING**

To ensure that all members who may have contact with LEP individuals are properly trained, the Department will provide periodic training on this policy and related procedures, including how to access department-authorized telephonic and in-person interpreters and other available resources.

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The Police Chief shall be responsible for ensuring new members receive LEP training. Those who may have contact with LEP individuals should receive refresher training at least once every two years thereafter. The Police Chief shall maintain records of all LEP training provided, and will retain a copy in each member's training file in accordance with established records retention schedules.

#### **331.18.1 TRAINING FOR AUTHORIZED INTERPRETERS**

All members on the authorized interpreter list must successfully complete prescribed interpreter training. To complete interpreter training successfully, an interpreter must demonstrate proficiency in and ability to communicate information accurately in both English and in the target language, demonstrate knowledge in both languages of any specialized terms or phraseology, and understand and adhere to the interpreter role without deviating into other roles, such as counselor or legal adviser.

Members on the authorized interpreter list must receive refresher training annually or they will be removed from the authorized interpreter list. This annual training should include language skills competency (including specialized terminology) and ethical considerations.

The Police Chief shall be responsible for coordinating the annual refresher training and will maintain a record of all training the interpreters have received.

## Communications with Persons with Disabilities

### 332.1 PURPOSE AND SCOPE

This policy provides guidance to members when communicating with individuals with disabilities, including those who are deaf or hard of hearing, have impaired speech or vision, or are blind.

#### 332.1.1 DEFINITIONS

Definitions related to this policy include:

**Auxiliary aids** - Tools used to communicate with people who have a disability or impairment. They include, but are not limited to, the use of gestures or visual aids to supplement oral communication; a notepad and pen or pencil to exchange written notes; a computer or typewriter; an assistive listening system or device to amplify sound; a teletypewriter (TTY) or videophones (video relay service or VRS); taped text; qualified readers; or a qualified interpreter.

**Disability or impairment** - A physical or mental impairment that substantially limits a major life activity, including hearing or seeing, regardless of whether the disabled person uses assistive or adaptive devices or auxiliary aids. Individuals who wear ordinary eyeglasses or contact lenses are not considered to have a disability (42 USC § 12102).

**Qualified interpreter** - A person who is able to interpret effectively, accurately and impartially, both receptively and expressively, using any necessary specialized vocabulary. Qualified interpreters include oral interpreters, transliterators, sign language interpreters and intermediary interpreters.

### 332.2 POLICY

It is the policy of the Mount Healthy Police Department to reasonably ensure that people with disabilities, including victims, witnesses, suspects and arrestees have equal access to law enforcement services, programs and activities. Members must make efforts to communicate effectively with individuals with disabilities.

The Department will not discriminate against or deny any individual access to services, rights or programs based upon disabilities.

### 332.3 AMERICANS WITH DISABILITIES (ADA) COORDINATOR

The Chief of Police shall delegate certain responsibilities to an ADA Coordinator (28 CFR 35.107). The ADA Coordinator shall be appointed by, and directly responsible, to the Patrol Sergeant or the authorized designee.

The responsibilities of the ADA Coordinator shall include, but not be limited to:

- (a) Working with the City ADA coordinator regarding the Mount Healthy Police Department's efforts to ensure equal access to services, programs and activities.
- (b) Developing reports, new procedures, or recommending modifications to this policy.



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- (c) Acting as a liaison with local disability advocacy groups or other disability groups regarding access to department services, programs and activities.
- (d) Ensuring that a list of qualified interpreter services is maintained and available to each Shift Supervisor and Communications Supervisor. The list should include information regarding the following:
  - 1. Contact information
  - 2. Availability
- (e) Developing procedures that will enable members to access auxiliary aids or services, including qualified interpreters, and ensure the procedures are available to all members.
- (f) Ensuring signage is posted in appropriate areas, indicating that auxiliary aids are available free of charge to people with disabilities.
- (g) Ensuring appropriate processes are in place to provide for the prompt and equitable resolution of complaints and inquiries regarding discrimination in access to department services, programs and activities.

#### **332.4 FACTORS TO CONSIDER**

Because the nature of any law enforcement contact may vary substantially from one situation to the next, members of this department should consider all information reasonably available to them when determining how to communicate with an individual with a disability. Members should carefully balance all known factors in an effort to reasonably ensure people who are disabled have equal access to services, programs and activities. These factors may include, but are not limited to:

- (a) Members should not always assume that effective communication is being achieved. The fact that an individual appears to be nodding in agreement does not always mean he/she completely understands the message. When there is any doubt, members should ask the individual to communicate back or otherwise demonstrate their understanding.
- (b) The nature of the disability (e.g., deafness or blindness vs. hard of hearing or low vision).
- (c) The nature of the law enforcement contact (e.g., emergency vs. non-emergency, custodial vs. consensual contact).
- (d) The availability of auxiliary aids. The fact that a particular aid is not available does not eliminate the obligation to reasonably ensure access. However, in an emergency, availability may factor into the type of aid used.

#### **332.5 INITIAL AND IMMEDIATE CONSIDERATIONS**

Recognizing that various law enforcement encounters may be potentially volatile and/or emotionally charged, members should remain alert to the possibility of communication problems.

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Members should exercise special care in the use of all gestures, and verbal and written communication to minimize initial confusion and misunderstanding when dealing with any individual with known or suspected disabilities.

In a non-emergency situation, when a member knows or suspects an individual requires assistance to effectively communicate, the member shall identify the individual's choice of auxiliary aid or service.

The individual's preferred communication method must be honored unless another effective method of communication exists under the circumstances (28 CFR 35.160).

Factors to consider when determining whether an alternative method is effective include:

- (a) The methods of communication usually used by the individual.
- (b) The nature, length and complexity of the communication involved.
- (c) The context of the communication.

In emergency situations involving an imminent threat to the safety or welfare of any person, members may use whatever auxiliary aids and services that reasonably appear effective under the circumstances. This may include, for example, exchanging written notes or using the services of a person who knows sign language but is not a qualified interpreter, even if the person who is deaf or hard of hearing would prefer a qualified sign language interpreter or another appropriate auxiliary aid or service. Once the emergency has ended, the continued method of communication should be reconsidered. The member should inquire as to the individual's preference and give primary consideration to that preference.

If an individual who is deaf, hard of hearing or has impaired speech must be handcuffed while in the custody of the Mount Healthy Police Department, consideration should be given, safety permitting, to placing the handcuffs in the front of the body to facilitate communication using sign language or writing.

#### **332.6 TYPES OF ASSISTANCE AVAILABLE**

Mount Healthy Police Department members shall never refuse to assist an individual with disabilities who is requesting assistance. The Department will not charge anyone to receive auxiliary aids, nor shall they require anyone to furnish their own auxiliary aid or service as a condition for receiving assistance. The Department will make every reasonable effort to provide equal access and timely assistance to individuals who are disabled through a variety of services.

A person who is disabled may choose to accept department-provided auxiliary aids or services or they may choose to provide their own.

Department-provided auxiliary aids or services may include, but are not limited to, the assistance methods described in this policy.

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#### **332.7 AUDIO RECORDINGS AND ENLARGED PRINT**

The Department may develop audio recordings to assist people who are blind or have a visual impairment with accessing important information. If such a recording is not available, members may read aloud from the appropriate form, for example a personnel complaint form, or provide forms with enlarged print.

#### **332.8 QUALIFIED INTERPRETERS**

A qualified interpreter may be needed in lengthy or complex transactions (e.g., interviewing a victim, witness, suspect or arrestee), if the individual to be interviewed normally relies on sign language or speechreading (lip-reading) to understand what others are saying. The qualified interpreter should not be a person with an interest in the case or the investigation. A person providing interpretation services may be required to establish the accuracy and trustworthiness of the interpretation in a court proceeding.

Qualified interpreters should be:

- (a) Available within a reasonable amount of time but in no event longer than one hour if requested.
- (b) Experienced in providing interpretation services related to law enforcement matters.
- (c) Familiar with the use of VRS and/or video remote interpreting services.
- (d) Certified in either American Sign Language (ASL) or Signed English (SE).
- (e) Able to understand and adhere to the interpreter role without deviating into other roles, such as counselor or legal adviser.
- (f) Knowledgeable of the ethical issues involved when providing interpreter services.

Members should use department-approved procedures to request a qualified interpreter at the earliest reasonable opportunity, and generally not more than 15 minutes after a request for an interpreter has been made or it is reasonably apparent that an interpreter is needed. No individual who is disabled shall be required to provide his/her own interpreter (28 CFR 35.160).

#### **332.9 TTY AND RELAY SERVICES**

In situations where an individual without a disability would have access to a telephone (e.g., booking or attorney contacts), members must also provide those who are deaf, hard of hearing or have impaired speech the opportunity to place calls using an available TTY (also known as a telecommunications device for deaf people, or TDD). Members shall provide additional time, as needed, for effective communication due to the slower nature of TTY and TDD communications.

The Department will accept all TTY or TDD calls placed by those who are deaf or hard of hearing and received via a telecommunications relay service (28 CFR 35.162).

Note that relay services translate verbatim, so the conversation must be conducted as if speaking directly to the caller.

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##### **332.10 COMMUNITY VOLUNTEERS**

Interpreter services may be available from community volunteers who have demonstrated competence in communication services, such as ASL or SE, and have been approved by the Department to provide interpreter services.

Where qualified interpreters are unavailable to assist, approved community volunteers who have demonstrated competence may be called upon when appropriate. However, department members must carefully consider the nature of the contact and the relationship between the individual with the disability and the volunteer to ensure that the volunteer can provide neutral and unbiased assistance.

##### **332.11 FAMILY AND FRIENDS**

While family or friends may offer to assist with interpretation, members should carefully consider the circumstances before relying on such individuals. The nature of the contact and relationship between the individual with the disability and the person offering services must be carefully considered (e.g., victim/suspect).

Children shall not be relied upon except in emergency or critical situations when there is no qualified interpreter reasonably available.

Adults may be relied upon when (28 CFR 35.160):

- (a) There is an emergency or critical situation and there is no qualified interpreter reasonably available.
- (b) The person with the disability requests that the adult interpret or facilitate communication and the adult agrees to provide such assistance, and reliance on that adult for such assistance is reasonable under the circumstances.

##### **332.12 REPORTING**

Whenever any member of this department is required to complete a report or other documentation, and communication assistance has been provided, such services should be noted in the related report. Members should document the type of communication services utilized and whether the individual elected to use services provided by the Department or some other identified source. If the individual's express preference is not honored, the member must document why another method of communication was used.

All written communications exchanged in a criminal case shall be attached to the report or placed into evidence.

##### **332.13 FIELD ENFORCEMENT**

Field enforcement will generally include such contacts as traffic stops, pedestrian stops, serving warrants and restraining orders, crowd/traffic control and other routine field contacts that may involve individuals with disabilities. The scope and nature of these activities and contacts will inevitably vary.

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The Department recognizes that it would be virtually impossible to provide immediate access to complete communication services to every member of this department. Members and/or supervisors must assess each situation and consider the length, complexity and importance of the communication, as well as the individual's preferred method of communication, when determining the type of resources to use and whether a qualified interpreter is needed.

Although not every situation can be addressed in this policy, it is important that members are able to effectively communicate the reason for a contact, the need for information and the meaning or consequences of any enforcement action. For example, it would be meaningless to verbally request consent to search if the officer is unable to effectively communicate with an individual who is deaf or hard of hearing and requires communications assistance.

If available, officers should obtain the assistance of a qualified interpreter before placing an individual with a disability under arrest. Individuals who are arrested and are assisted by service animals should be permitted to make arrangements for the care of such animals prior to transport.

#### **332.13.1 FIELD RESOURCES**

Examples of methods that may be sufficient for transactions, such as checking a license or giving directions to a location or for urgent situations such as responding to a violent crime in progress, may, depending on the circumstances, include such simple things as:

- (a) Hand gestures or visual aids with an individual who is deaf, hard of hearing or has impaired speech.
- (b) Exchange of written notes or communications.
- (c) Verbal communication with an individual who can speechread by facing the individual and speaking slowly and clearly.
- (d) Use of computer, word processing, personal communication device or similar device to exchange texts or notes.
- (e) Slowly and clearly speaking or reading simple terms to individuals who have a visual or mental impairment.

Members should be aware that these techniques may not provide effective communication as required by law and this policy depending on the circumstances.

#### **332.14 CUSTODIAL INTERROGATIONS**

In an effort to ensure that the rights of individuals who are deaf, hard of hearing or have speech impairment are protected during a custodial interrogation, this department will provide interpreter services before beginning an interrogation, unless exigent circumstances exist or the individual has made a clear indication that he/she understands the process and desires to proceed without an interpreter. The use of a video remote interpreting service should be considered, where appropriate, if a live interpreter is not available. *Miranda* warnings shall be provided to suspects who are deaf or hard of hearing by a qualified interpreter or by providing a written *Miranda* warning card.

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In order to ensure that communications during custodial investigations are accurately documented and are admissible as evidence, interrogations should be recorded whenever reasonably possible. See guidance on recording custodial interrogations in the Investigation and Prosecution Policy.

#### **332.15 ARRESTS AND BOOKINGS**

If an individual with speech or hearing disabilities is arrested, the arresting officer shall use department-approved procedures to provide a qualified interpreter at the place of arrest or booking as soon as reasonably practicable, unless the individual indicates that he/she prefers a different auxiliary aid or service or the officer reasonably determines another effective method of communication exists under the circumstances.

When gathering information during the booking process, members should remain alert to the impediments that often exist when communicating with those who are deaf, hard of hearing, who have impaired speech or vision, are blind, or have other disabilities. In the interest of the arrestee's health and welfare, the safety and security of the facility and to protect individual rights, it is important that accurate medical screening and booking information be obtained. If necessary, members should seek the assistance of a qualified interpreter whenever there is concern that accurate information cannot be obtained or that booking instructions may not be properly understood by the individual.

Individuals who require and possess personally owned communication aids (e.g., hearing aids, cochlear processors) should be permitted to retain them while in custody.

#### **332.16 COMPLAINTS**

The Department shall ensure that individuals with disabilities who wish to file a complaint regarding members of this department are able to do so. The Department may provide a qualified interpreter or forms in enlarged print, as appropriate. Complaints will be referred to the department ADA Coordinator.

Investigations into such complaints shall be handled in accordance with the Personnel Complaints Policy. Qualified interpreters used during the investigation of a complaint should not be members of this Department.

#### **332.17 COMMUNITY OUTREACH**

Community outreach programs and other such services offered by this department are important to the ultimate success of more traditional law enforcement duties. This department will continue to work with community groups, local businesses and neighborhoods to provide equal access to such programs and services.

#### **332.18 TRAINING**

To ensure that all members who may have contact with individuals who are disabled are properly trained, the Department will provide periodic training that should include:

- (a) Awareness and understanding of this policy and related procedures, related forms and available resources.

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- (b) Procedures for accessing qualified interpreters and other available resources.
- (c) Working with in-person and telephone interpreters and related equipment.

The Police Chief shall be responsible for ensuring new members receive training related to interacting with individuals who have disabilities including individuals who are deaf, hard of hearing, who have impaired speech or vision, or are blind. Those who may have contact with such individuals should receive refresher training at least once every two years thereafter. The Police Chief shall maintain records of all training provided, and will retain a copy in each member's training file in accordance with established records retention schedules.

#### 332.18.1 CALL-TAKER TRAINING

Emergency call-takers shall be trained in the use of TTY equipment protocols for communicating with individuals who are deaf, hard of hearing or who have speech impairments. Such training and information should include:

- (a) The requirements of the ADA and Section 504 of the Rehabilitation Act for telephone emergency service providers.
- (b) ASL syntax and accepted abbreviations.
- (c) Practical instruction on identifying and processing TTY or TDD calls, including the importance of recognizing silent TTY or TDD calls, using proper syntax, abbreviations and protocol when responding to TTY or TDD calls.
- (d) Hands-on experience in TTY and TDD communications, including identification of TTY or TDD tones.

Training should be mandatory for all the Communications Center members who may have contact with individuals from the public who are deaf, hard of hearing or have impaired speech. Refresher training should occur every six months.

## Pupil Arrest Reporting

### **333.1 PURPOSE AND SCOPE**

The purpose of this policy is to describe the procedures to follow when a pupil is arrested on school grounds and during school hours.

### **333.2 PUPIL ARREST REPORTING**

In the event a school pupil is arrested, the arresting officer shall include information in the report necessary to ensure that the Police Clerk ultimately notifies the chief administrative officer of the school or appropriate designee of the arrest of a pupil.

#### **333.2.1 PUPIL ARREST AFTER NOTIFICATION**

Based upon the circumstances of the investigation, it may be appropriate to notify the school prior to the arrest. Prior notification and assistance from the school may reduce disruption to school operations and other students.

#### **333.2.2 PUPIL ARREST BEFORE NOTIFICATION**

Based upon the circumstances of the investigation, it may be appropriate to arrest the pupil before notifying the school. This may be appropriate if the pupil is a flight risk, if prior notification will impede the investigation or if notification creates additional risks to students, faculty, the officer or the public.

Proper notification to the school after the pupil's arrest should then be made when circumstances reasonably allow.

#### **333.2.3 PARENTAL NOTIFICATION**

Upon arrest, it is the arresting officer's responsibility to ensure the parents of the arrested pupil are properly notified. Notification shall be made by the officer, regardless of subsequent notifications by the juvenile detention facility. Notifications should be documented and include the charges against the pupil and information as to where the pupil will be taken.



## Biological Samples

### 334.1 PURPOSE AND SCOPE

This policy provides guidelines for the collection of biological samples from those individuals required to provide samples upon conviction or arrest for certain offenses. This policy does not apply to biological samples collected at a crime scene or taken from a person in conjunction with a criminal investigation. Nor does it apply to biological samples collected from those required to register, for example, as sex offenders.

### 334.2 POLICY

The Mount Healthy Police Department will assist in the expeditious collection of required biological samples from arrestees and offenders in accordance with the laws of this state and with as little reliance on force as practicable.

### 334.3 PERSONS SUBJECT TO DNA COLLECTION

Those who must submit a biological sample are persons who have been (ORC § 2901.07):

- (a) Arrested for or convicted of a felony offense.
- (b) Convicted of a misdemeanor violation, an attempt to commit a misdemeanor violation or complicity in committing a misdemeanor violation arising out of the following:
  - 1. Aggravated murder
  - 2. Murder
  - 3. Kidnapping
  - 4. Rape
  - 5. Sexual battery
  - 6. Unlawful sexual conduct with minor
  - 7. Gross sexual imposition
  - 8. Aggravated burglary
  - 9. Felonious sexual penetration
  - 10. Interference with custody
- (c) Convicted of a sexually oriented offense or a child victim-oriented offense that is a misdemeanor if the offender is a Tier III sex offender/child-victim offender, as defined in ORC § 2950.01.

### 334.4 PROCEDURE

When an individual is required to provide a biological sample, a trained employee shall attempt to obtain the sample in accordance with this policy.

#### 334.4.1 COLLECTION

The following steps should be taken to collect a sample:

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- (a) Verify that the individual is required to provide a sample pursuant to ORC § 2901.07 and that his/her identity has been verified as required under OAC § 109:5-5-02.
- (b) Verify that a biological sample has not been previously collected from the offender by querying the Ohio Law Enforcement Gateway (OHLEG). There is no need to obtain a biological sample if one has been previously obtained (OAC § 109:5-5-02).
- (c) Use the designated collection kit provided by the Ohio Bureau of Criminal Investigation (BCI) to perform the collection and take steps to avoid cross contamination.

#### **334.5 USE OF FORCE TO OBTAIN SAMPLES**

If a person refuses to cooperate with the sample collection process, officers should attempt to identify the reason for refusal and seek voluntary compliance without resorting to using force. Force will not be used in the collection of samples except as authorized by court order and only with the approval of a supervisor. Methods to consider when seeking voluntary compliance include contacting:

- (a) The person's parole or probation officer when applicable.
- (b) The prosecuting attorney to seek additional charges against the person for failure to comply or to otherwise bring the refusal before a judge.
- (c) The judge at the person's next court appearance.
- (d) The person's attorney.
- (e) A chaplain.
- (f) Another custody facility with additional resources, where an arrestee can be transferred to better facilitate sample collection.
- (g) A supervisor who may be able to authorize custodial disciplinary actions to compel compliance, if any are available.

The supervisor shall review and approve any plan to use force and be present to document the process.

##### **334.5.1 VIDEO RECORDING**

A video recording should be made any time force is used to obtain a biological sample. The recording should document all staff participating in the process, in addition to the methods and all force used during the collection. The recording should be part of the investigation file, if any, or otherwise retained in accordance with the department's records retention schedule.

#### **334.6 LEGAL MANDATES AND RELEVANT LAWS**

##### **334.6.1 PERSONS AUTHORIZED TO OBTAIN A SAMPLE**

If the biological sample is collected by withdrawing blood or another similarly invasive procedure, a physician, registered nurse, licensed practical nurse, duly licensed clinical laboratory technician or other qualified medical practitioner shall collect the sample in a medically approved manner. This requirement does not apply to a sample that is collected by a buccal swab or similarly non-invasive procedure (ORC § 2901.07(C)).

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##### 334.6.2 AUTHORITY TO OBTAIN SECONDARY SAMPLE

If a query of OHLEG indicates that a sample has been previously collected but is no longer denoted on the individual's criminal history record, another sample shall be obtained from the individual and forwarded to BCI (OAC § 109:5-5-02).

In addition, if BCI notifies the Mount Healthy Police Department of receipt of an unusable sample, a secondary sample shall be obtained and forwarded to BCI for analysis (OAC § 109:5-5-02).

##### 334.6.3 SUBMISSION OF SAMPLE

The Property Management Supervisor shall ensure that the biological sample is forwarded to the BCI no later than 15 days after the date of the collection (ORC § 2901.07(C)).

##### 334.6.4 CONFIDENTIALITY OF RECORDS

Members of the Mount Healthy Police Department shall not knowingly disclose a biological sample, record or other information contained in the DNA database to an unauthorized entity (ORC § 109.573; ORC § 109.99).

## Chaplains

### 335.1 PURPOSE AND SCOPE

This policy establishes the guidelines for Mount Healthy Police Department chaplains to provide counseling or emotional support to members of the Department, their families and members of the public.

### 335.2 POLICY

The Mount Healthy Police Department uses the services of the Hamilton County Police Association's Police Clergy for chaplains who are properly appointed, trained and supervised to carry out their responsibilities without financial compensation.

### 335.3 DUTIES AND RESPONSIBILITIES

Chaplains can assist the Department, its members and the community. Requests for chaplains will usually be to augment the Patrol Section. Chaplains may be assigned to other areas within the Department as needed. Chaplains should be requested only for assignments or programs that are consistent with their knowledge, skills, abilities and the needs of the Department.

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Chaplains may not accept gratuities for any service or any subsequent actions or follow-up contacts that were provided while functioning as a chaplain for the Mount Healthy Police Department.

#### 335.3.1 OPERATIONAL GUIDELINES

- (a) Chaplains shall be permitted to ride with officers during any shift and observe Mount Healthy Police Department operations, provided the Shift Supervisor has been notified and has approved the activity.
- (b) Chaplains shall not be evaluators of members of the Department.
- (c) In responding to incidents, a chaplain shall never function as an officer.
- (d) When responding to in-progress calls for service, chaplains may be required to stand-by in a secure area until the situation has been deemed safe.
- (e) Each chaplain shall have access to current department member rosters, addresses, telephone numbers, duty assignments and other information that may assist in his/her duties. Such information will be considered confidential and each chaplain will exercise appropriate security measures to prevent distribution of the data.

#### 335.3.2 ASSISTING DEPARTMENT MEMBERS

Requests for a Chaplain may include, but are not limited to:

- (a) Assisting in making notification to families of members who have been seriously injured or killed and, after notification, responding to the hospital or home of the member.
- (b) Visiting sick or injured members in the hospital or at home.

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- (c) Attending and participating, when requested, in funerals of active or retired members.
- (d) Serving as a resource for members when dealing with the public in incidents, such as accidental deaths, suicides, suicidal subjects, serious accidents, drug and alcohol abuse and other such situations that may arise.
- (e) Providing counseling and support for members and their families.
- (f) Being alert to the needs of members and their families.

#### 335.3.3 ASSISTING THE DEPARTMENT

A Chaplain may also be requested for:

- (a) Assisting members in the diffusion of a conflict or incident, when requested.
- (b) Responding to natural and accidental deaths, suicides and attempted suicides, family disturbances and any other incident that in the judgment of the Shift Supervisor or supervisor aids in accomplishing the mission of the Department.
- (c) Responding to all major disasters, such as natural disasters, bombings and similar critical incidents.
- (d) Being on-call and, if possible, on-duty during major demonstrations or any public function that requires the presence of a large number of department members.
- (e) Attending department and academy graduations, ceremonies and social events and offering invocations and benedictions, as requested.
- (f) Participating in in-service training classes.
- (g) Willingness to train others to enhance the effectiveness of the Department.

#### 335.3.4 ASSISTING THE COMMUNITY

Requests for a chaplain might include, but are not limited to:

- (a) Fostering familiarity with the role of law enforcement in the community.
- (b) Providing an additional link between the community, other chaplain coordinators and the Department.
- (c) Providing liaison with various civic, business and religious organizations.
- (d) Promptly facilitating requests for representatives or leaders of various denominations.
- (e) Assisting the community in any other function as needed or requested.
- (f) Making referrals in cases where specialized attention is needed or in cases that are beyond the chaplain's ability to assist.

#### **335.4 PRIVILEGED COMMUNICATIONS**

No person who provides chaplain services to members of the Department may work or volunteer for the Mount Healthy Police Department in any capacity other than that of chaplain.

No chaplain shall provide counsel to or receive confidential communications from any Mount Healthy Police Department member concerning an incident personally witnessed by the chaplain or concerning an incident involving the chaplain.

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# Public Safety Video Surveillance System

## 336.1 PURPOSE AND SCOPE

This policy provides guidance for the placement and monitoring of department public safety video surveillance, as well as the storage and release of the captured images.

This policy only applies to overt, marked public safety video surveillance systems operated by the Department. It does not apply to mobile audio/video systems, covert audio/video systems or any other image-capturing devices used by the Department.

## 336.2 POLICY

The Mount Healthy Police Department may operate a public safety video surveillance system to complement its anti-crime strategy, to effectively allocate and deploy personnel, and to enhance public safety and security in public areas. Cameras may be placed in strategic locations throughout the City to detect and deter crime, to help safeguard against potential threats to the public, to help manage emergency response situations during natural and man-made disasters and to assist City officials in providing services to the community.

Video surveillance in public areas will be conducted in a legal and ethical manner while recognizing and protecting constitutional standards of privacy.

## 336.3 OPERATIONAL GUIDELINES

Only department-approved video surveillance equipment shall be utilized. Members authorized to monitor video surveillance equipment should only monitor public areas and public activities where no reasonable expectation of privacy exists. The Chief of Police or the authorized designee shall approve all proposed locations for the use of video surveillance technology and should consult with and be guided by legal counsel as necessary in making such determinations.

### 336.3.1 PLACEMENT AND MONITORING

Camera placement will be guided by the underlying purpose or strategy associated with the overall video surveillance plan. As appropriate, the Chief of Police should confer with other affected City divisions and designated community groups when evaluating camera placement. Environmental factors, including lighting, location of buildings, presence of vegetation or other obstructions, should also be evaluated when determining placement.

Cameras shall only record video images and not sound. Recorded images may be used for a variety of purposes, including criminal investigations and monitoring of activity around high-value or high-threat areas. The public safety video surveillance system may be useful for the following purposes:

- (a) To prevent, deter and identify criminal activity.
- (b) To target identified areas of gang and narcotics complaints or activity.
- (c) To respond to critical incidents.
- (d) To assist in identifying, apprehending and prosecuting offenders.

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#### *Public Safety Video Surveillance System*

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- (e) To document officer and offender conduct during interactions to safeguard the rights of the public and officers.
- (f) To augment resources in a cost-effective manner.
- (g) To monitor pedestrian and vehicle traffic activity.

Images from each camera should be recorded in a manner consistent with the underlying purpose of the particular camera. Images should be transmitted to monitors installed in the Shift Supervisor's office and the Communications Center. When activity warranting further investigation is reported or detected at any camera location, the available information should be provided to responding officers in a timely manner. The Shift Supervisor or trained personnel in the Communications Center are authorized to adjust the cameras to more effectively view a particular area for any legitimate public safety purpose.

The Chief of Police may authorize video feeds from the public safety video surveillance system to be forwarded to a specified location for monitoring by other than police personnel, such as allied government agencies, road or traffic crews, or fire or emergency operations personnel.

Unauthorized recording, viewing, reproduction, dissemination or retention is prohibited.

#### **336.3.2 CAMERA MARKINGS**

All public areas monitored by public safety surveillance equipment shall be marked in a conspicuous manner with appropriate signs to inform the public that the area is under police surveillance. Signs should be well lit, placed appropriately and without obstruction to ensure visibility.

#### **336.3.3 INTEGRATION WITH OTHER TECHNOLOGY**

The Department may elect to integrate its public safety video surveillance system with other technology to enhance available information. Systems such as gunshot detection, incident mapping, crime analysis, license plate recognition, facial recognition and other video-based analytical systems may be considered based upon availability and the nature of department strategy.

The Department should evaluate the availability and propriety of networking or otherwise collaborating with appropriate private sector entities and should evaluate whether the use of certain camera systems, such as pan-tilt-zoom systems and video enhancement or other analytical technology, requires additional safeguards.

#### **336.4 VIDEO SUPERVISION**

Supervisors should monitor video surveillance access and usage to ensure members are within department policy and applicable laws. Supervisors should ensure such use and access is appropriately documented.

##### **336.4.1 VIDEO LOG**

A log should be maintained at all locations where video surveillance monitors are located. The log should be used to document all persons not assigned to the monitoring locations who have

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#### *Public Safety Video Surveillance System*

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been given access to view or monitor images provided by the video surveillance cameras. The logs should, at a minimum, record the:

- (a) Date and time access was given.
- (b) Name and agency of the person being given access to the images.
- (c) Name of person authorizing access.
- (d) Identifiable portion of images viewed.

#### **336.4.2 PROHIBITED ACTIVITY**

Public safety video surveillance systems will not intentionally be used to invade the privacy of individuals or observe areas where a reasonable expectation of privacy exists.

Public safety video surveillance equipment shall not be used in an unequal or discriminatory manner and shall not target individuals or groups based solely on actual or perceived characteristics such as race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, economic status, age, cultural group, or disability.

Video surveillance equipment shall not be used to harass, intimidate, or discriminate against any individual or group.

#### **336.5 STORAGE AND RETENTION OF MEDIA**

All downloaded media shall be stored in a secure area with access restricted to authorized persons. A recording needed as evidence shall be copied to a suitable medium and booked into evidence in accordance with established evidence procedures. All actions taken with respect to retention of media shall be appropriately documented.

The type of video surveillance technology employed and the manner in which recordings are used and stored will affect retention periods. The recordings should be stored and retained in accordance with the established records retention schedule.

##### **336.5.1 EVIDENTIARY INTEGRITY**

All downloaded and retained media shall be treated in the same manner as other evidence. Media shall be accessed, maintained, stored and retrieved in a manner that ensures its integrity as evidence, including strict adherence to chain of custody requirements. Electronic trails, including encryption, digital masking of innocent or uninvolved individuals to preserve anonymity, authenticity certificates and date and time stamping, shall be used as appropriate to preserve individual rights and to ensure the authenticity and maintenance of a secure evidentiary chain of custody.

#### **336.6 RELEASE OF VIDEO IMAGES**

All recorded video images gathered by the public safety video surveillance equipment are for the official use of the Chief of Police.

Requests for recorded video images from the public or the media shall be processed in the same manner as requests for department public records.



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#### *Public Safety Video Surveillance System*

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Requests for recorded images from other law enforcement agencies shall be referred to the Shift Supervisor for release in accordance with a specific and legitimate law enforcement purpose.

Recorded video images that are the subject of a court order or subpoena shall be processed in accordance with the established department subpoena process.

#### **336.7 VIDEO SURVEILLANCE AUDIT**

The Chief of Police or the authorized designee will conduct an annual review of the public safety video surveillance system. The review should include an analysis of the cost, benefit and effectiveness of the system, including any public safety issues that were effectively addressed or any significant prosecutions that resulted, and any systemic operational or administrative issues that were identified, including those related to training, discipline or policy.

The results of each review shall be appropriately documented and maintained by the Chief of Police or the authorized designee and other applicable advisory bodies. Any recommendations for training or policy should be promptly addressed.

#### **336.8 TRAINING**

All department members authorized to operate or access public video surveillance systems shall receive appropriate training. Training should include guidance on the use of cameras, interaction with dispatch and patrol operations and a review regarding relevant policies and procedures, including this policy. Training should also address state and federal law related to the use of video surveillance equipment and privacy.

## Child and Dependent Adult Safety

### 337.1 PURPOSE AND SCOPE

This policy provides guidelines to ensure that children and dependent adults are not left without appropriate care in the event their caregiver or guardian is arrested or otherwise prevented from providing care due to actions taken by members of this department.

This policy does not address the actions to be taken during the course of a child abuse or dependent adult investigation. These are covered in the Child Abuse Policy and the Adult or Vulnerable Person Abuse Policy.

### 337.2 POLICY

It is the policy of this department to mitigate, to the extent reasonably possible, the stressful experience individuals may have when their parent or caregiver is arrested. The Mount Healthy Police Department will endeavor to create a strong, cooperative relationship with local, state and community-based social services to ensure an effective, collaborative response that addresses the needs of those affected, including call-out availability and follow-up responsibilities.

### 337.3 PROCEDURES DURING AN ARREST

When encountering an arrest or prolonged detention situation, officers should make reasonable attempts to determine if the arrestee is responsible for children or dependent adults. In some cases this may be obvious, such as when children or dependent adults are present. However, officers should inquire if the arrestee has caregiver responsibilities for any children or dependent adults who are without appropriate supervision. The following steps should be taken:

- (a) Inquire about and confirm the location of any children or dependent adults.
- (b) Look for evidence of children and dependent adults. Officers should be mindful that some arrestees may conceal the fact that they have a dependent for fear the individual may be taken from them.
- (c) Consider inquiring of witnesses, neighbors, friends and relatives of the arrestee as to whether the person is responsible for a child or dependent adult.

Whenever reasonably possible, officers should take reasonable steps to accomplish the arrest of a parent, guardian or caregiver out of the presence of his/her child or dependent adult. Removing children or dependent adults from the scene in advance of the arrest will generally ensure the best outcome for the individual.

Whenever it is safe to do so, officers should allow the parent or caregiver to assure children or dependent adults that they will be provided care. If this is not safe or if the demeanor of the parent or caregiver suggests this conversation would be non-productive, the officer at the scene should explain the reason for the arrest in age-appropriate language and offer reassurance to the child or dependent adult that he/she will receive appropriate care.

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#### *Child and Dependent Adult Safety*

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##### 337.3.1 AFTER AN ARREST

Whenever an arrest is made, the officer should take all reasonable steps to ensure the safety of the arrestee's disclosed or discovered children or dependent adults.

Officers should allow the arrestee reasonable time to arrange for care of children and dependent adults. Temporary placement with family or friends may be appropriate. However, any decision should give priority to a care solution that is in the best interest of the child or dependent adult. In such cases the following guidelines should be followed:

- (a) Allow the person reasonable time to arrange for the care of children and dependent adults with a responsible party, as appropriate.
  - (a) Officers should consider allowing the person to use his/her cell phone, if it is not to be held as evidence, to facilitate arrangements through access to contact phone numbers, and to lessen the likelihood of call screening by the recipients due to calls from unknown sources.
  - (b) Unless there is evidence to the contrary (e.g., signs of abuse, drug use, unsafe environment), officers should respect the parent or caregiver's judgment regarding arrangements for care. It is generally best if the child or dependent adult remains with relatives or family friends that he/she knows and trusts because familiarity with surroundings and consideration for comfort, emotional state and safety are important.
    - 1. Except when a court order exists limiting contact, the officer should attempt to locate and place children or dependent adults with the non-arrested parent, guardian or caregiver.
- (c) Provide for the immediate supervision of children or dependent adults until an appropriate caregiver arrives.
- (d) Notify Child Protective Services or the Department of Aging, if appropriate.
- (e) Notify the field supervisor or Shift Supervisor of the disposition of children or dependent adults.

If children or dependent adults are at school or another known location outside the household at the time of arrest, the arresting officer should attempt to contact the school or other known location and inform the principal or appropriate responsible adult of the caregiver's arrest and of the arrangements being made for the care of the arrestee's dependent. The result of such actions should be documented in the associated report.

##### 337.3.2 DURING THE BOOKING PROCESS

During the booking process, the arrestee should be allowed to make additional telephone calls to relatives or other responsible individuals as is reasonably necessary to arrange for the care of any child or dependent adult. These telephone calls should be given as soon as practicable and are in addition to any other telephone calls allowed by law.

If an arrestee is unable to resolve the care of any child or dependent adult through this process, a supervisor should be contacted to determine the appropriate steps to arrange for care. These steps may include additional telephone calls or contacting a local, county or state services agency.

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#### *Child and Dependent Adult Safety*

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#### 337.3.3 REPORTING

- (a) For all arrests where children are present or living in the household, the reporting member will document the following information:
1. Name
  2. Sex
  3. Age
  4. Special needs (e.g., medical, mental health)
  5. How, where and with whom or which agency the child was placed
  6. Identities and contact information for other potential caregivers
  7. Notifications made to other adults (e.g., schools, relatives)
- (b) For all arrests where dependent adults are present or living in the household, the reporting member will document the following information:
1. Name
  2. Sex
  3. Age
  4. Whether he/she reasonably appears able to care for him/herself
  5. Disposition or placement information if he/she is unable to care for him/herself

#### 337.3.4 SUPPORT AND COUNSELING REFERRAL

If, in the judgment of the handling officers, the child or dependent adult would benefit from additional assistance, such as counseling services, contact with a victim advocate or a crisis telephone number, the appropriate referral information may be provided.

#### **337.4 DEPENDENT WELFARE SERVICES**

Whenever an arrestee is unwilling or incapable of arranging for the appropriate care of any child or dependent adult, the handling officer should contact the appropriate welfare service or other department-approved social service to determine whether protective custody is appropriate.

Only when other reasonable options are exhausted should a child or dependent adult be transported to the police facility, transported in a marked law enforcement vehicle or taken into formal protective custody.

Under no circumstances should a child or dependent adult be left unattended or without appropriate care.

#### **337.5 TRAINING**

The Police Chief is responsible to ensure that all members of this department who may be involved in arrests affecting children or dependent adults receive approved training on effective safety measures when a parent, guardian or caregiver is arrested.

## Service Animals

### 338.1 PURPOSE AND SCOPE

Service animals play an important role in helping to overcome the limitations often faced by people with disabilities. The Mount Healthy Police Department recognizes this need and is committed to making reasonable modifications to its policies, practices and procedures in accordance with Title II of the Americans with Disabilities Act of 1990 (ADA) to permit the use of service animals that are individually trained to assist a person with a disability.

### 338.2 SERVICE ANIMALS

The ADA defines a service animal as any dog or miniature horse that is individually trained to do work or perform tasks for the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual or other mental disability. The work or tasks performed by a service animal must be directly related to the owner's disability (28 CFR 35.104).

#### 338.2.1 USE OF SERVICE ANIMALS

Some service animals may be readily identifiable. However, many do not have a distinctive symbol, harness or collar. Service animals are not pets and may be trained by an individual or organization to assist people with disabilities. Service animals may accompany the handler or companion person into, and is entitled to the full use of services to which the general public is invited (ORC § 955.43).

The following are some examples of the ways service animals may be used to provide assistance:

- Guiding people who are blind or have low vision.
- Alerting people who are deaf or hard of hearing.
- Retrieving or picking up items, opening doors or flipping switches for people who have limited use of their hands, arms or legs.
- Pulling wheelchairs.
- Providing physical support and assisting people with stability and balance.
- Doing work or performing tasks for persons with traumatic brain injury, intellectual disabilities or psychiatric disabilities, such as reminding a person with depression to take medication.
- Alerting a person with anxiety to the onset of panic attacks, providing tactile stimulation to calm a person with post-traumatic stress disorder, assisting people with schizophrenia to distinguish between hallucinations and reality, and helping people with traumatic brain injury to locate misplaced items or follow daily routines.

### 338.3 MEMBER RESPONSIBILITIES

Service animals that are assisting individuals with disabilities are permitted in all public facilities and areas where the public is allowed. Department members are expected to treat individuals with

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#### *Service Animals*

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service animals with the same courtesy and respect that the Mount Healthy Police Department affords to all members of the public.

If an animal exhibits vicious behavior, poses a direct threat to the health of others or unreasonably disrupts or interferes with normal business operations, an officer may direct the owner to remove the animal from the premises. Barking alone is not a threat nor does a direct threat exist if the person takes prompt, effective action to control the animal. Each incident must be considered individually. Past incidents alone are not cause for excluding a service animal. Removal of a service animal may not be used as a reason to refuse service to an individual with disabilities. Members of this department are expected to provide all services as are reasonably available to an individual with the disability.

If it is apparent or if an officer is aware the animal is a service animal, the owner should not be asked any questions as to the status of the animal. If it is unclear whether an animal meets the definition of a service animal, the officer should ask the individual only the following questions:

- Is the animal required because of a disability?
- What task or service has the animal been trained to perform?

If the individual explains that the animal is required because of a disability and has been trained to work or perform at least one task, the animal meets the definition of a service animal, and no further questions as to the animal's status should be asked. The person should not be questioned about his/her disabilities nor should the person be asked to provide any license, certification or identification card for the service animal.

Service animals are not pets. Department members should not interfere with the important work performed by a service animal by talking to, petting or otherwise initiating contact with a service animal.

When handling calls of a complaint regarding a service animal, members of this department should remain neutral and should be prepared to explain the ADA requirements concerning service animals to the concerned parties. Businesses are required to allow service animals to accompany their owner in all areas that other customers or members of the public are allowed.

Absent a violation of law independent of the ADA, officers should take no enforcement action beyond keeping the peace. Individuals who believe they have been discriminated against as a result of a disability should be referred to the Civil Rights Division of the U.S. Department of Justice.

## Volunteer Program

### 339.1 PURPOSE AND SCOPE

It is the policy of this department to use qualified volunteers for specified tasks and duties in order to create efficiencies for the Department and improve services to the community. Volunteers are intended to supplement and support, rather than supplant, sworn officers and civilian personnel. Volunteers can be an important part of any organization and have proven to be a valuable asset to law enforcement agencies. Volunteers help to increase department responsiveness, delivery of services and information input, and provide new program opportunities. In addition, volunteers bring new skills and expertise to the Department and prompt new enthusiasm.

#### 339.1.1 DEFINITIONS

Definitions related to this policy include:

**Volunteer** - An individual who performs a service for the Department without promise, expectation or receipt of compensation for services rendered. This may include unpaid chaplains, unpaid officers, interns, persons providing administrative support and youth involved in a law enforcement Explorer Post, among others.

#### 339.1.2 VOLUNTEER ELIGIBILITY

- (a) At least 18 years of age for all positions other than Explorer.
- (b) At least 14 years of age for Explorer.
- (c) A valid driver license if the position requires vehicle operation.
- (d) Liability insurance for any personally owned equipment, vehicles or horses utilized during volunteer work.
- (e) No conviction of a felony, any crime of a sexual nature, any crime related to assault, any crime related to dishonesty or any crime related to impersonating a law enforcement officer.
- (f) No conviction of a misdemeanor crime within the past 10 years, excluding minor and unclassified misdemeanor traffic offenses.
- (g) No condition involving mental illness or chemical dependency that may adversely affect the person's ability to serve in the position.
- (h) Physical requirements reasonably appropriate to the assignment.
- (i) A personal background history and character suitable for a person representing the Department, as validated by a background investigation.

The Chief of Police may apply exceptions for eligibility based on organizational needs and the qualification of the individual.

### 339.2 VOLUNTEER MANAGEMENT

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#### *Volunteer Program*

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##### 339.2.1 VOLUNTEER COORDINATOR

The function of the Volunteer Coordinator is to provide a central coordinating point for effective volunteer management within the Department, and to direct and assist staff and volunteer efforts to jointly provide more productive services. The Volunteer Coordinator or designee shall be responsible for the following:

- (a) Recruiting, selecting and training qualified volunteers for various positions.
- (b) Maintaining records for each volunteer.
- (c) Tracking and evaluating the contribution of volunteers.
- (d) Maintaining the volunteer handbook and outlining expectations, policies and responsibilities for all volunteers.
- (e) Maintaining a record of volunteer schedules and work hours.
- (f) Completion and dissemination as appropriate of all necessary paperwork and information.
- (g) Planning periodic recognition events.
- (h) Administering discipline when warranted.
- (i) Maintaining liaison with other community volunteer programs and assisting in community-wide efforts to recognize and promote volunteering.

##### 339.2.2 RECRUITMENT

Volunteers should be recruited on a continuous and ongoing basis in accordance with department policy on equal opportunity nondiscriminatory employment. A primary qualification for participation in the application process should be an interest in, and an ability to assist, the Department in serving the public.

Requests for volunteers should be submitted in writing by interested staff to the Volunteer Coordinator through the requester's immediate supervisor. A complete position description and a requested time frame should be included in the request. All parties should understand that the recruitment of volunteers is enhanced by creative and interesting assignments. The Volunteer Coordinator may withhold assignment of any volunteer until such time as the requesting unit is prepared to make effective use of volunteer resources.

##### 339.2.3 SCREENING

All prospective volunteers should complete the volunteer application form. The Volunteer Coordinator or designee should conduct a face-to-face interview with the applicant.

A documented background investigation shall be completed on each volunteer applicant and shall include, but not necessarily be limited to, the following:

- (a) Traffic and criminal background check.
- (b) Employment.



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- (c) References.
- (d) Credit check.

A truth verification exam may be required of each applicant depending on the type of assignment

A volunteer whose assignment requires the use of, access to or places him/her in the vicinity of criminal histories, investigative files or information portals shall require submission of prints and clearance through the Ohio Bureau of Criminal Identification and Investigation.

#### 339.2.4 SELECTION AND PLACEMENT

Service as a volunteer shall begin with an official notice by the Chief of Police of acceptance or appointment to a volunteer position.. No volunteer should begin performance of any position until he/she has been officially accepted for that position and completed all necessary screening and documentation.

At the time of final acceptance, each volunteer should complete all necessary enrollment documentation and will receive a copy of the job description and agreement of service with the Department. All volunteers shall receive a copy of the volunteer handbook and shall be required to sign a volunteer agreement.

Volunteers should be placed only in assignments or programs that are consistent with their knowledge, skills, abilities and with the needs of the Department.

#### 339.2.5 TRAINING

Volunteers will be provided with an orientation program to acquaint them with the department, personnel, policies and procedures that have a direct impact on their work assignment.

Volunteers should receive position-specific training to ensure they have adequate knowledge and skills to complete tasks required by the position and should receive periodic ongoing training as deemed appropriate by their supervisor or the Volunteer Coordinator.

Depending on the assignment, training may include the following:

- (a) Role of the volunteer.
- (b) Department policies.
- (c) Training specific to the procedure manual for the volunteer position.
- (d) Discrimination and harassment training.
- (e) CPR/first aid.
- (f) CERT/Citizens Emergency Response Training.
- (g) Search and rescue techniques.
- (h) Scenario-based searching methods.
- (i) Evidence preservation.
- (j) Basic traffic direction and control.

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- (k) Roadway incursion safety.
- (l) Self-defense techniques.
- (m) Vehicle operations, including specialized vehicles.
- (n) Horsemanship.
- (o) Issuance of citations.

Training should reinforce to volunteers that they should not intentionally represent themselves as, or by omission infer, that they are sworn officers or other full-time members of the Department. They shall always represent themselves as volunteers.

All volunteers shall comply with the rules of conduct and with all orders and directives, either oral or written, issued by the Department. Whenever a rule, regulation or guideline in this manual refers to a sworn officer, it shall also apply to a volunteer, unless by its nature it is inapplicable.

#### **339.2.6 FITNESS FOR DUTY**

No volunteer shall report to work or be on-duty when his/her judgment or physical condition has been impaired by alcohol, medication, other substances, illness or injury.

Volunteers shall report to their supervisor any changes in status that may affect their ability to fulfill their duties. This includes, but is not limited to, the following:

- (a) Driver license.
- (b) Medical condition.
- (c) Arrests.
- (d) Criminal investigations.
- (e) All law enforcement contacts.

All volunteers shall adhere to the guidelines set forth by this department regarding drug and alcohol use.

#### **339.2.7 DRESS CODE**

As representatives of the Department, volunteers are responsible for presenting a professional image to the community. Volunteers shall dress appropriately for the conditions and performance of their duties.

Volunteers shall conform to approved dress consistent with their duty assignment.

#### **339.3 SUPERVISION OF VOLUNTEERS**

Each volunteer who is accepted to a position with the Department must have a clearly identified supervisor who is responsible for direct management of that volunteer. This supervisor will be responsible for day-to-day management and guidance of the work of the volunteer and should be available to the volunteer for consultation and assistance.

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A volunteer may be assigned as, and act as, a supervisor of other volunteers provided the supervising volunteer is under the direct supervision of a paid staff member.

Functional supervision of volunteers is the responsibility of the supervisor in charge of the unit where the volunteer is assigned. Following are some considerations to keep in mind while supervising volunteers:

- (a) Take the time to introduce volunteers to employees on all levels.
- (b) Ensure volunteers have work space and the necessary office supplies.
- (c) Make sure the work is challenging. Do not hesitate to give them an assignment or task that will tap these valuable resources.

#### **339.4 CONFIDENTIALITY**

With appropriate security clearance, volunteers may have access to private and confidential information, such as criminal histories or investigative files. Unless otherwise directed by a supervisor, the duties of the position or department policy, all information shall be considered confidential. Only that information specifically identified and approved by authorized personnel shall be released. Confidential information shall be given only to persons who have a need and a right to know as determined by department policy and supervisory personnel.

Each volunteer will receive training in data practices and be required to sign a nondisclosure agreement before being given an assignment with the Department. Subsequent unauthorized disclosure of any private or confidential information, verbally, in writing or by any other means, by the volunteer is grounds for immediate dismissal and possible criminal prosecution.

Volunteers shall not address public gatherings, appear on radio or television, prepare any article for publication, act as correspondents to a newspaper or other periodical, release or divulge any information concerning the activities of the Department, or maintain that they represent the Department in such matters without permission from the proper department personnel.

#### **339.5 PROPERTY AND EQUIPMENT**

Volunteers will be issued an identification card that must be worn and visible at all times while on-duty. Any fixed and portable equipment issued by the Department shall be for official and authorized use only. Any property or equipment issued to a volunteer shall remain the property of the Department and shall be returned at the termination of service.

##### **339.5.1 VEHICLE USE**

Volunteers assigned to duties such as vacation house checks or other assignments that require the use of a vehicle must first complete the following:

- (a) A driving safety briefing.
- (b) Verification that the volunteer possesses a valid driver license.
- (c) Verification that the volunteer carries current vehicle insurance.

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The Volunteer Coordinator should ensure that all volunteers receive safety briefing updates and license and insurance verification at least once a year.

When operating a Department vehicle, volunteers shall obey all rules of the road, including seat belt requirements.

Volunteers should not operate a marked patrol car unless there is a prominently placed sign indicating that it is out of service and is being operated for maintenance purposes only, that it is being operated during an approved skills course, that it is being used to transport equipment, that it is being used to provide supplementary assistance under the direction of an on-duty sworn officer. Volunteers are not authorized to operate a Department vehicle for enforcement patrol operations or under emergency conditions (lights and siren).

#### **339.5.2 RADIO AND MDC USAGE**

Volunteers shall successfully complete state and federal database access training and radio procedures training prior to using the law enforcement radio or MDT and shall comply with all related provisions. The Volunteer Coordinator should ensure that radio and database access training is provided for volunteers whenever necessary.

#### **339.6 DISCIPLINARY PROCEDURES/TERMINATION**

A volunteer may be removed from the volunteer program at the discretion of the Chief of Police. Volunteers shall have no property interests in their continued appointment. However, if a volunteer is removed for alleged misconduct, the volunteer will be afforded an opportunity solely to clear his/her name through a liberty interest hearing. The hearing shall be limited to a single appearance before the Chief of Police or designee.

Volunteers may resign from volunteer service with this department at any time. It is requested that volunteers who intend to resign provide advance notice of their departure and a reason for their decision.

#### **339.6.1 EXIT INTERVIEWS**

Exit interviews, where possible, should be conducted with volunteers who are leaving their positions. The interview should ascertain why the volunteer is leaving the position and solicit the volunteer's suggestions on improving the position. When appropriate, the interview should also include a discussion on the possibility of involvement in some other capacity with the Department.

#### **339.7 EVALUATION**

An evaluation of the overall volunteer program will be conducted on an annual basis by the Volunteer Coordinator. Regular evaluations should be conducted with volunteers to ensure the best use of human resources, to ensure personnel problems can be identified and dealt with promptly and fairly, and to ensure optimum job satisfaction on the part of volunteers.

#### **339.8 EMERGENCY CALL-OUT FOR VOLUNTEER PERSONNEL**

The Volunteer Coordinator shall develop a plan outlining an emergency call-out procedure for volunteer personnel.

# Native American Graves Protection and Repatriation

## 340.1 PURPOSE AND SCOPE

This policy is intended to ensure the protection and security of ancient or historic grave sites, including notification of personnel responsible for cultural items, in compliance with the Native American Graves Protection and Repatriation Act (NAGPRA) (25 USC § 3001 et seq.).

### 340.1.1 DEFINITIONS

Definitions related to NAGPRA include (43 CFR 10.2):

**Funerary objects and associated funerary objects** - Objects that, as part of the death rite or ceremony of a culture, are reasonably believed to have been placed intentionally at the time of death or later with or near individual human remains, or that were made exclusively for burial purposes or to contain human remains.

**Native American human remains** - The physical remains of the body of a person of Native American ancestry.

**Objects of cultural patrimony** - Objects having ongoing historical, traditional or cultural importance that is central to the Native American group or culture itself and therefore cannot be appropriated or conveyed by any individual, including members of the Native American group or Native Hawaiian organization. Such objects must have been considered inalienable by the Native American group at the time the object was separated from the group.

**Sacred objects** - Specific ceremonial objects needed by traditional Native American religious leaders for the practice of traditional Native American religions.

## 340.2 POLICY

It is the policy of the Mount Healthy Police Department that the protection of Native American human remains, funerary objects, associated funerary objects, sacred objects or objects of cultural patrimony is the responsibility of all members. Such protection includes minimizing destruction, contamination, inadvertent disruption or complicated custody transfer processes.

## 340.3 COMPLIANCE WITH THE NATIVE AMERICAN GRAVES PROTECTION AND REPATRIATION ACT

Upon discovery or arrival upon a scene where it reasonably appears that a Native American grave, human remains, funerary objects, associated funerary objects, sacred objects or objects of cultural patrimony are exposed or otherwise unsecured, members shall secure the site in the same manner as a crime scene. All activity at the scene other than scene preservation activity must cease (43 CFR 10.4).

No photography or video recording may be permitted by the media or any group or individual who may wish to exhibit the remains.

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Without delay, the appropriate agency or group shall be notified to respond and take control of the scene. These include the following (43 CFR 10.4):

- Federal land - Appropriate agency at the U.S. Department of the Interior or the U.S. Department of Agriculture
- State land - Ohio History Connection (ORC § 149.53)
- Tribal land - Responsible Indian tribal official

#### **340.4 EVIDENCE AND PROPERTY**

If the location has been investigated as a possible homicide scene prior to identification as a NAGPRA site, investigators shall work with other appropriate agencies and individuals to ensure the proper transfer and repatriation of any material collected. Members shall ensure that any remains or artifacts located at the site are expediently processed (43 CFR 10.6).

## Off-Duty Law Enforcement Actions

### 341.1 PURPOSE AND SCOPE

The decision to become involved in a law enforcement action when off-duty can place an officer as well as others at great risk and must be done with careful consideration. This policy is intended to provide guidelines for officers of the Mount Healthy Police Department with respect to taking law enforcement action while off-duty.

### 341.2 POLICY

Officers generally should not initiate law enforcement action while off-duty. Officers should not attempt to initiate enforcement action when witnessing minor crimes, such as suspected intoxicated drivers, reckless driving or minor property crimes. Such incidents should be promptly reported to the appropriate law enforcement agency.

When the safety of the public or the prevention of major property damage requires immediate action, officers should first consider reporting and monitoring the activity and only take direct action as a last resort.

Officers are not expected to place themselves in unreasonable peril. However, any sworn member of this department who becomes aware of an incident or circumstance that he/she reasonably believes poses an imminent threat of serious bodily injury or death, or significant property damage may take reasonable action to minimize the threat.

Officers should remember that their authority as a peace officer may not extend to actions taken outside their jurisdiction unless authorized by law (ORC § 2935.02, ORC § 2935.03(D) and ORC § 2935.04).

### 341.3 FIREARMS

Officers of this department may carry firearms while off-duty in accordance with federal regulations, state law and Department policy. All firearms and ammunition must meet guidelines as described in the Department Firearms Policy. When carrying firearms while off-duty, officers shall also carry their Department-issued badge and identification.

Officers should refrain from carrying firearms when the consumption of alcohol is likely or when the need to carry a firearm is outweighed by safety considerations. Firearms shall not be carried by any officer who has consumed an amount of an alcoholic beverage or taken any drugs or medications or any combination thereof that would tend to adversely affect the officer's senses or judgment.

Off-duty employees shall not carry firearms in establishments for which a "D" liquor permit has been issued and alcohol is being consumed (ORC § 2923.121(A)).

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#### *Off-Duty Law Enforcement Actions*

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#### **341.4 DECISION TO INTERVENE**

There is no legal requirement for off-duty officers to take law enforcement action. However, should officers decide to intervene, they must evaluate whether the action is necessary or desirable and should take into consideration:

- (a) The tactical disadvantage of being alone and the fact there may be multiple or hidden suspects.
- (b) The inability to communicate with responding units.
- (c) The lack of equipment, such as handcuffs, Oleoresin Capsicum (OC) spray or baton.
- (d) The lack of cover.
- (e) The potential for increased risk to bystanders if the off-duty officer were to intervene.
- (f) Unfamiliarity with the surroundings.
- (g) The potential for the off-duty officer to be misidentified by other peace officers or members of the public.

Officers should consider waiting for on-duty uniformed officers to arrive and gather as much accurate intelligence as possible instead of immediately intervening.

##### **341.4.1 INTERVENTION PROCEDURE**

If involvement is reasonably necessary, the officer should attempt to call or have someone else call 9-1-1 to request immediate assistance. The operator should be informed that an off-duty officer is on-scene and should be provided a description of the officer if possible.

Whenever practicable, the officer should loudly and repeatedly identify him/herself as an Mount Healthy Police Department officer until acknowledged. Official identification should also be displayed.

##### **341.4.2 INCIDENTS OF PERSONAL INTEREST**

Officers should refrain from handling incidents of personal interest, (e.g., family or neighbor disputes) and should remain neutral. In such circumstances, officers should call the responsible agency to handle the matter.

##### **341.4.3 RESPONSIBILITIES**

Non-sworn personnel should not become involved in any law enforcement actions while off-duty except to notify the local law enforcement authority and remain at the scene, if safe and practicable.

##### **341.4.4 OTHER CONSIDERATIONS**

When encountering a non-uniformed officer in public, uniformed officers should wait for acknowledgement by the non-uniformed officer in case he/she needs to maintain an undercover capability.



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## *Off-Duty Law Enforcement Actions*

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### **341.5 REPORTING**

Any officer, prior to taking any off-duty enforcement action, shall notify and receive approval of a supervisor (or other applicable law enforcement authority if acting outside the jurisdiction of the Mount Healthy Police Department). If prior contact is not reasonably possible, an officer shall notify the applicable local law enforcement agency as soon as reasonably practicable. The Shift Supervisor shall determine whether a report should be filed by the employee.

Officers should cooperate fully with the agency having jurisdiction in providing statements or reports as requested or as appropriate.

## Department Use of Social Media

### 342.1 PURPOSE AND SCOPE

This policy provides guidelines to ensure that any use of social media on behalf of the Department is consistent with the department mission.

This policy does not address all aspects of social media use. Specifically, it does not address:

- Personal use of social media by department members (see the Employee Speech, Expression and Social Networking Policy).
- Use of social media in personnel processes (see the Recruitment and Selection Policy).
- Use of social media as part of a criminal investigation, other than disseminating information to the public on behalf of this department (see the Investigation and Prosecution Policy).

#### 342.1.1 DEFINITIONS

Definitions related to this policy include:

**Social media** - Any of a wide array of Internet-based tools and platforms that allow for the sharing of information, such as the department website or social networking services.

### 342.2 POLICY

The Mount Healthy Police Department may use social media as a method of effectively informing the public about department services, issues, investigations and other relevant events. The Police Chief must approve all posts made in conjunction with the Mount Healthy Police Department.

Department members shall ensure that the use or access of social media is done in a manner that protects the constitutional rights of all.

### 342.3 AUTHORIZED USERS

Only members authorized by the Chief of Police or the authorized designee may utilize social media on behalf of the Department. Authorized members shall use only department-approved equipment during the normal course of duties to post and monitor department-related social media, unless they are specifically authorized to do otherwise by their supervisors.

The Chief of Police may develop specific guidelines identifying the type of content that may be posted. Any content that does not strictly conform to the guidelines should be approved by a supervisor prior to posting.

Requests to post information over department social media by members who are not authorized to post should be made through the member's chain of command.

### 342.4 AUTHORIZED CONTENT

Only content that is appropriate for public release, that supports the department mission and conforms to all department policies regarding the release of information may be posted.

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Examples of appropriate content include:

- (a) Announcements.
- (b) Tips and information related to crime prevention.
- (c) Investigative requests for information.
- (d) Requests that ask the community to engage in projects that are relevant to the Department mission.
- (e) Real-time safety information that is related to in-progress crimes, geographical warnings or disaster information.
- (f) Traffic information.
- (g) Press releases.
- (h) Recruitment of personnel.

#### **342.4.1 INCIDENT-SPECIFIC USE**

In instances of active incidents where speed, accuracy and frequent updates are paramount (e.g., crime alerts, public safety information, traffic issues), a sergeant may issue a Media Release to the various media outlets.

#### **342.5 PROHIBITED CONTENT**

Content that is prohibited from posting includes, but is not limited to:

- (a) Content that is abusive, discriminatory, inflammatory or sexually explicit.
- (b) Any information that violates individual rights, including confidentiality and/or privacy rights and those provided under state, federal or local laws.
- (c) Any information that could compromise an ongoing investigation.
- (d) Any information that could tend to compromise or damage the mission, function, reputation or professionalism of the Mount Healthy Police Department or its members.
- (e) Any information that could compromise the safety and security of department operations, members of the Department, victims, suspects or the public.
- (f) Any content posted for personal use.
- (g) Any content that has not been properly authorized by this policy or a supervisor.

Any member who becomes aware of content on this department's social media site that he/she believes is unauthorized or inappropriate should promptly report such content to a supervisor. The supervisor will ensure its removal from public view and investigate the cause of the entry.

#### **342.5.1 PUBLIC POSTING PROHIBITED**

Department social media sites shall be designed and maintained to prevent posting of content by the public.

The Department may provide a method for members of the public to contact department members directly.

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#### **342.6 MONITORING CONTENT**

The Chief of Police will review, at least annually, the use of department social media and consider, at a minimum, the resources being used, the effectiveness of the content, any unauthorized or inappropriate content and the resolution of any issues.

#### **342.7 RETENTION OF RECORDS**

The Police Clerk should work with the Custodian of Records to establish a method of ensuring that public records generated in the process of social media use are retained in accordance with established records retention schedules.

#### **342.8 TRAINING**

Authorized members should receive training that, at a minimum, addresses legal issues concerning the appropriate use of social media sites, as well as privacy, civil rights, dissemination and retention of information posted on department sites.

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## Community Relations

### 343.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for community relationship-building.

Additional guidance on community relations and outreach is provided in other policies, including the:

- Hate or Prejudice Crimes Policy.
- Limited English Proficiency Services Policy.
- Communications with Persons with Disabilities Policy.
- Chaplains Policy.
- Patrol Function Policy.
- Suspicious Activity Reporting Policy.

#### 343.1.1 CERTIFICATION STANDARDS

This policy contains content that pertains to Ohio Collaborative Law Enforcement Agency Certification (OCLEAC) Standards.

[See attachment: OCLEAC Standards Compliance Checklist 5-19-2020.pdf](#)

### 343.2 POLICY

It is the policy of the Mount Healthy Police Department to promote positive relationships between department members and the community by treating community members with dignity and respect and engaging them in public safety strategy development and relationship-building activities, and by making relevant policy and operations information available to the community in a transparent manner.

Community Engagement plans that address the particular needs of the community being served shall be implemented [Executive Order: 13929].

### 343.3 MEMBER RESPONSIBILITIES

Officers should, as time and circumstances reasonably permit:

- (a) Make casual and consensual contacts with community members to promote positive community relationships (see the Contacts and Temporary Detentions Policy).
- (b) Become reasonably familiar with the schools, businesses and community groups in their assigned jurisdictional areas.
- (c) Work with community members and the department community relations coordinator to identify issues and solve problems related to community relations and public safety.
- (d) Conduct periodic foot patrols of their assigned areas to facilitate interaction with community members. Officers carrying out foot patrols should notify an appropriate supervisor and the Communications Center of their status (i.e., on foot patrol) and

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location before beginning and upon completion of the foot patrol. They should also periodically inform the Communications Center of their location and status during the foot patrol.

#### **343.4 COMMUNITY RELATIONS COORDINATOR**

The Chief of Police or the authorized designee should designate a member of the Department to serve as the community relations coordinator. He/she should report directly to the Chief of Police or authorized designee and is responsible for:

- (a) Obtaining department-approved training related to his/her responsibilities.
- (b) Responding to requests from department members and the community for assistance in identifying issues and solving problems related to community relations and public safety.
- (c) Organizing surveys to measure the condition of the department's relationship with the community.
- (d) Working with community groups, department members and other community resources to:
  - 1. Identify and solve public safety problems within the community.
  - 2. Organize programs and activities that help build positive relationships between department members and the community and provide community members with an improved understanding of department operations.
- (e) Working with the Patrol Sergeant to develop patrol deployment plans that allow officers the time to participate in community engagement and problem-solving activities.
- (f) Recognizing department and community members for exceptional work or performance in community relations efforts.
- (g) Attending City council and other community meetings to obtain information on community relations needs.
- (h) Assisting with the department's response to events that may affect community relations, such as an incident where the conduct of a department member is called into public question.
- (i) Informing the Chief of Police and others of developments and needs related to the furtherance of the department's community relations goals, as appropriate.
- (j) Coordinating training as provided in this policy, including documentation of member awareness and understanding of the policy and training.

#### **343.5 SURVEYS**

The community relations coordinator should arrange for a survey of community members and department members to be conducted at least annually to assess the condition of the relationship between the Department and the community. Survey questions should be designed to evaluate perceptions of the following:

- (a) Overall performance of the Department

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- (b) Overall competence of department members
- (c) Attitude and behavior of department members
- (d) Level of community trust in the Department
- (e) Safety, security or other concerns

A written summary of the compiled results of the survey should be provided to the Chief of Police.

#### **343.6 COMMUNITY AND YOUTH ACTIVITIES AND PROGRAMS**

The community relations coordinator should organize or assist with programs and activities that create opportunities for department members and community members, especially youth, to interact in a positive setting. Examples of such programs and events include:

- (a) Department-sponsored athletic programs (e.g., baseball, basketball, soccer, bowling).
- (b) Police-community get-togethers (e.g., cookouts, meals, charity events).
- (c) Youth leadership and life skills mentoring.
- (d) School resource officer/Drug Abuse Resistance Education (D.A.R.E.®) programs.
- (e) Neighborhood Watch and crime prevention programs.

#### **343.7 INFORMATION SHARING**

The community relations coordinator should work with the Public Information Officer to develop methods and procedures for the convenient sharing of information (e.g., major incident notifications, significant changes in department operations, comments, feedback, positive events) between the Department and community members. Examples of information-sharing methods include:

- (a) Community meetings.
- (b) Social media (see the Department Use of Social Media Policy).
- (c) Department website postings.

Information should be regularly refreshed, to inform and engage community members continuously.

#### **343.8 LAW ENFORCEMENT OPERATIONS EDUCATION**

The community relations coordinator should develop methods to educate community members on general law enforcement operations so they may understand the work that officers do to keep the community safe. Examples of educational methods include:

- (a) Development and distribution of informational cards/flyers.
- (b) Department website postings.
- (c) Presentations to driver education classes.
- (d) Instruction in schools.
- (e) Department ride-alongs (see the Ride-Alongs Policy).

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- (f) Scenario/Simulation exercises with community member participation.
- (g) Youth internships at the Department.
- (h) Citizen academies.

Instructional information should include direction on how community members should interact with the police during enforcement or investigative contacts and how community members can make a complaint to the Department regarding alleged misconduct or inappropriate job performance by department members.

#### **343.9 SAFETY AND OTHER CONSIDERATIONS**

Department members responsible for community relations activities should consider the safety of the community participants and, as much as reasonably practicable, should not allow them to be present in any location or situation that would jeopardize their safety.

Department members in charge of community relations events should ensure that participating community members have completed waiver forms before participation, if appropriate. A parent or guardian must complete the waiver form if the participating community member has not reached 18 years of age.

Community members are subject to a criminal history check before approval for participation in certain activities, such as citizen academies.

#### **343.10 COMMUNITY ADVISORY COMMITTEE**

The Chief of Police should establish a committee of volunteers consisting of community members, community leaders and other community stakeholders (e.g., representatives from schools, churches, businesses, social service organizations). The makeup of the committee should reflect the demographics of the community as much as practicable.

The committee should convene regularly to:

- (a) Provide a public forum for gathering information about public safety concerns in the community.
- (b) Work with the Department to develop strategies to solve public safety problems.
- (c) Generate plans for improving the relationship between the Department and the community.
- (d) Participate in community outreach to solicit input from community members, including youth from the community.

The Police Chief should arrange for initial and ongoing training for committee members on topics relevant to their responsibilities.

The Chief of Police may include the committee in the evaluation and development of department policies and procedures and may ask them to review certain personnel complaints for the purpose of providing recommendations regarding supervisory, training or other issues as appropriate.



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##### **343.10.1 LEGAL CONSIDERATIONS**

The Chief of Police and the community relations coordinator should work with the City Attorney as appropriate to ensure the committee complies with any legal requirements such as public notices, records maintenance and any other associated obligations or procedures.

##### **343.11 TRANSPARENCY**

The Department should periodically publish statistical data and analysis regarding the department's operations. The reports should not contain the names of officers, suspects or case numbers. The community relations coordinator should work with the community advisory committee to identify information that may increase transparency regarding department operations.

##### **343.12 TRAINING**

Subject to available resources, members should receive training related to this policy, including training on topics such as:

- (a) Effective social interaction and communication skills.
- (b) Cultural, racial and ethnic diversity and relations.
- (c) Building community partnerships.
- (d) Community policing and problem-solving principles.
- (e) Enforcement actions and their effects on community relations.

Where practicable and appropriate, community members, especially those with relevant expertise, should be involved in the training to provide input from a community perspective.

##### **343.12.1 STATE CERTIFICATION TESTING**

Officers shall be required annually to read, sign and be tested on this policy.

## Remote Restraint Device

### 344.1 PURPOSE AND SCOPE

This policy provides guidelines for the issuance and use of BolaWrap™ 100 devices to minimize injury to suspects, subjects, and officers.

### 344.2 POLICY

The BolaWrap™ 100 device is intended to immobilize and control resistive/non-compliant persons and persons with known or suspected mental health issues. The BolaWrap™ 100 is a hand-held remote restraint device that discharges an eight-foot bola style Kevlar tether to entangle an individual at a range of 10-25 feet.

### 344.3 ISSUANCE AND CARRYING BOLAWRAP 100 DEVICES

The following guidelines shall be adhered to:

- (a) Only a department approved BolaWrap™ 100 device that has been issued by the Department shall be utilized by personnel.
- (b) Officers should not hold both a firearm or CEW device and the BolaWrap™ 100 device at the same time.
- (c) Uniformed officers who have been issued the BolaWrap™ 100 device shall wear the device in an approved holster on their person.
- (d) All BolaWrap™ 100 devices shall be clearly and distinctly marked to differentiate them from the duty weapon and any other device.
- (e) Only members who have successfully completed department-approved training may be issued and carry the BolaWrap™ 100 device.

### 344.4 VERBAL AND VISUAL WARNING

A verbal warning of the intended use of the “less lethal” device should precede its application, unless it would otherwise endanger the safety of officers or when it is not practicable due to the circumstances. The purpose of the warning is to:

- (a) Provide the individual with a reasonable opportunity to voluntarily comply.
- (b) Provide other officers and individuals with a warning that the BolaWrap 100 device may be deployed.

The aiming laser should never be intentionally directed into the eyes of another as it may permanently impair his/her vision.

The fact that a verbal or other warning was given or the reasons it was not given shall be documented by the officer deploying the BolaWrap™ 100 device in the related report.

### 344.5 USE OF THE BOLAWRAP™ 100 DEVICE

The BolaWrap™ 100 device has limitations and restrictions requiring consideration before its use. The device should only be used when its operator can safely approach the subject within the

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operational range of the device. Although the BolaWrap™ 100 device is generally effective in controlling most individuals, officers should be aware that the device may not achieve the intended results and be prepared with other options. A three to four-foot clearance around the subject is necessary for the BolaWrap™ to be effective.

#### 344.5.1 APPLICATION OF THE BOLAWRAP™ 100 DEVICE

The BolaWrap 100 device may be used in any of the following circumstances, when the circumstances perceived by the officer at the time indicate that such application is reasonably necessary to control a person:

- (a) The subject is violent or is physically resisting.
- (b) The subject has demonstrated, by words or action, an intention to be violent or to physically resist, and reasonably appears to present the potential to harm officers, him/herself, or others.

Mere flight from a pursuing officer, without other known circumstances or factors, is not good cause for the use of the BolaWrap™ 100 device to apprehend an individual.

#### 344.5.2 SPECIAL DEPLOYMENT CONSIDERATIONS

The use of the BolaWrap™ 100 device on certain individuals should generally be avoided unless the totality of the circumstances indicates that other available options reasonably appear ineffective or would present a greater danger to the officer, the subject or others, and the officer reasonably believes that the need to control the individual outweighs the risk of using the device.

This includes:

- (a) Individuals who are known to be pregnant.
- (b) Elderly individuals or obvious juveniles.
- (c) Individuals who are handcuffed or otherwise restrained.
- (d) Individuals detained in a police vehicle.
- (e) Individuals in danger of falling or becoming entangled in machinery or heavy equipment, which could result in death or serious bodily injury.
- (f) Individuals near any body of water that may present a drowning risk.
- (g) Individuals whose position or activity may result in collateral injury (e.g., falls from height, operating vehicles).

#### 344.5.3 TARGETING CONSIDERATIONS

Reasonable efforts should be made to target lower extremities or lower arms. The head, neck, chest and groin shall be avoided. If the dynamics of a situation or officer safety do not permit the officer to limit the application of the BolaWrap™ 100 device to a precise target area, officers should monitor the condition of the subject if it strikes the head, neck, chest or groin until the subject is examined by paramedics or other medical personnel.

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##### 344.5.4 MULTIPLE APPLICATIONS OF THE BOLAWRAP™ 100 DEVICE

If the first application of the BolaWrap™ 100 device appears to be ineffective in gaining control of an individual, the officer should consider certain factors before additional applications of the device, including:

- (a) Whether the Kevlar cord or pellets/barbs are making proper contact.
- (b) Whether the individual has the ability and has been given a reasonable opportunity to comply.
- (c) Whether verbal commands, other options or tactics may be more effective.

##### 344.5.5 ACTIONS FOLLOWING DEPLOYMENTS

Following the use of the BolaWrap™ 100 device:

- (a) Personnel shall request a supervisor to the scene.
- (b) The supervisor shall determine whether transporting the person to a medical facility is necessary to remove the pellets/barbs.
- (c) If the supervisor determines that removal of the Kevlar cord is appropriate at the scene, the supervisor or officer shall remove the Kevlar cord using the department issued BolaWrap™ 100 cutter.
- (d) The expended cartridge, pellets/barbs and Kevlar cord should be collected and submitted into evidence.

##### 344.5.6 REPORTING THE USE OF THE BOLAWRAP™ 100

- (a) The deployment of the BolaWrap™ 100 shall be documented by the officer and/or supervisor using the department approved BolaWrap™ 100 Evaluation form.
- (b) The supervisor shall determine whether further documentation of the incident is necessary, in accordance with department policy.
- (c) The supervisor shall also determine whether the barbs/pellets, cartridge case, or Kevlar cord should be collected as evidence, in accordance with department policy.

#### **344.6 DOCUMENTATION**

Officers shall document all BolaWrap™ 100 device discharges in the related arrest/crime report, in a Use of Force Form and body camera video. Notification shall also be made to a supervisor in compliance with the Use of Force Policy.

##### 344.6.1 BOLAWRAP™ 100 DEVICE FORM

Items that shall be included in the BolaWrap™ 100 device report form are:

- (a) The BolaWrap™ 100 device & cartridge serial numbers.
- (b) Date, time, and location of the incident.
- (c) The number of BolaWrap™ 100 device activations and the duration between activations, and (as best as can be determined).
- (d) The range at which the BolaWrap™ 100 device was used.

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- (e) Location of any deployments impact.
- (f) Description of where missed deployments went.
- (g) Whether medical care was provided to the subject.
- (h) Whether the subject sustained any injuries.
- (i) Whether any officers sustained any injuries.

The Training Sergeant should periodically analyze the report forms to identify trends, including deterrence and effectiveness. BolaWrap™ 100 device information and statistics, with identifying information removed, should periodically be made available to the public.

#### **344.7 MEDICAL TREATMENT**

All persons who have been struck by BolaWrap™ 100 device pellets/barbs shall be medically assessed prior to booking. Additionally, any such individual who falls under any of the following categories should, as soon as practicable, be examined by paramedics or other qualified medical personnel:

- (a) The person is suspected of being under the influence of controlled substances and/or alcohol.
- (b) The person requests medical treatment.
- (c) The BolaWrap™ 100 device pellets/barbs are lodged in a sensitive area (e.g., groin, female breast, head, face, neck).
- (d) The person reasonably appears to need medical attention.
- (e) The person may be pregnant.

If any individual refuses medical attention, such a refusal should be witnessed by another officer and/or medical personnel and shall be fully documented in related reports.

If a recording is made of the contact or an interview with the individual, any refusal should be included, if possible.

The transporting officer shall inform any person providing medical care or receiving custody that the individual has been subjected to the application of the BolaWrap™ 100 device.

#### **344.8 SUPERVISOR RESPONSIBILITIES**

When possible, supervisors should respond to calls when they reasonably believe there is likelihood the BolaWrap™ 100 device may be used. A supervisor should respond to all incidents where the BolaWrap™ 100 device was activated.

A supervisor should review each incident where a person has been exposed to an activation of the BolaWrap™ 100 device. Photographs of should be taken, including if the skin is penetrated, and witnesses interviewed.

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#### **344.9 TRAINING**

Personnel who are authorized to carry the BolaWrap™ 100 device shall be permitted to do so only after successfully completing the initial department-approved training. Proficiency training for personnel who have been issued BolaWrap™ 100 devices should occur every two years. A reassessment of an officer's knowledge and/or practical skill may be required at any time if deemed appropriate by the Training Sergeant. All training and proficiency for BolaWrap™ 100 devices will be documented in the officer's training file.

Command staff, supervisors and investigators should receive BolaWrap™ 100 device training as appropriate for the investigations they conduct and review.

Officers who do not carry BolaWrap™ 100 devices should receive training that is sufficient to familiarize them with the device and with working with officers who use the device.

The Training Sergeant is responsible for ensuring that all members who carry BolaWrap™ 100 devices have received initial and annual proficiency training. Periodic audits should be used for verification.

Application of BolaWrap™ 100 devices during training could result in injury to personnel and should not be mandatory for certification.

The Training Sergeant should ensure that all training includes:

- (a) A review of this policy.
- (b) Restraint techniques that do not impair respiration following the application of the BolaWrap™ 100 device.
- (c) De-escalation techniques.
- (d) Handcuffing a subject during the application of the BolaWrap™ 100 device and transitioning to other force options.
- (e) Target area considerations, to include techniques or options to reduce the unintentional application of pellets/barbs near the head, neck, chest and groin.
- (f) A review of the Use of Force Policy.

## Chapter 4 - Patrol Operations

## Patrol Function

### 400.1 PURPOSE AND SCOPE

The purpose of this policy is to define the functions of the patrol unit of the Department to ensure intraorganizational cooperation and information sharing.

#### 400.1.1 FUNCTION

Officers will generally patrol in clearly marked vehicles. They will patrol assigned jurisdictional areas of Mt. Healthy, respond to calls for assistance, act as a deterrent to crime, enforce state, local and federal laws when authorized or empowered by agreement or statute, and respond to emergencies 24 hours a day, seven days a week.

Patrol will generally provide the following services within the limits of available resources:

- (a) Patrol that is directed at the prevention of criminal acts, traffic violations and collisions, the maintenance of public order and the discovery of hazardous situations or conditions.
- (b) Crime prevention activities, such as residential inspections, business inspections and community presentations.
- (c) Calls for service, both routine and emergency.
- (d) Investigation of both criminal and non-criminal acts.
- (e) The apprehension of criminal offenders.
- (f) Community Oriented Policing and problem-solving activities, such as citizen assists and individual citizen contacts of a positive nature.
- (g) The sharing of information between the patrol and other sections within the Department, as well as other government agencies.
- (h) The application of resources to specific problems or situations within the community that may be improved or resolved by Community Oriented Policing and problem-solving strategies.
- (i) Traffic direction and control.
- (j) Disasters, civic unrest and natural emergencies.
- (k) Assist in the service of civil papers.

#### 400.1.2 TERRORISM

It is the goal of the Mount Healthy Police Department to make every reasonable effort to accurately and appropriately gather and report any information that may relate to either foreign or domestic terrorism. Officers should advise a supervisor as soon as practicable of any activity believed to be terrorism related and should document such incidents with a written report or Field Interview (FI).



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The supervisor should ensure that all terrorism-related reports and FIs are forwarded to the Investigation Section supervisor in a timely fashion.

#### **400.2 PATROL INFORMATION SHARING PROCEDURES**

The following guidelines are intended to develop and maintain intraorganizational cooperation and information flow between the various sections of the Mount Healthy Police Department.

##### 400.2.1 CRIME ANALYSIS

Criminal information and reports can be submitted to a Sergeant for distribution to all police officers within the Department through daily and special bulletins.

##### 400.2.2 CRIME REPORTS

A crime report shall be completed by any patrol officer who receives criminal information. The report may be processed and forwarded to the Detective for retention or follow-up investigation.

##### 400.2.3 PATROL BRIEFINGS

All supervisors, patrol officers, and the detective are encouraged to share information as much as reasonably possible. All supervisors and/or officers will be provided an opportunity to share information through daily patrol briefings, as time permits.

##### 400.2.4 INFORMATION CLIPBOARDS

Several information clipboards will be maintained in the briefing room and will be available for review by officers from all sections within the Department. These include, but are not limited to, the case report clipboard, the hazard to police clipboard, hit skip clip board, last ten messages clipboard, and the roll call binder.

##### 400.2.5 ROLL CALL BINDER

A roll call binder will be kept in the briefing room for display of suspect information, investigative reports and photographs. New Departmental Directives will be made available by patrol supervisors and will be discussed at briefings and shift meetings. A copy of the Departmental Directive will be placed in the roll call binder.

#### **400.3 CROWDS, EVENTS AND GATHERINGS**

Officers may encounter gatherings of people, including but not limited to, civil demonstrations, civic, social and business events, public displays, parades and sporting events. Officers should monitor such events as time permits in an effort to keep the peace and protect the safety and rights of those present. A patrol supervisor should be notified when it becomes reasonably foreseeable that such an event may require increased monitoring, contact or intervention.

Officers responding to an event or gathering that warrants law enforcement involvement should carefully balance the speech and association rights of those present with applicable public safety concerns before taking enforcement action. Officers are encouraged to contact organizers or responsible persons to seek voluntary compliance that may address relevant public safety/order concerns.

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Officers should consider enforcement of applicable state and local laws when the activity blocks the entrance or egress of a facility or location and when voluntary compliance with the law is not achieved.

## Bias-Based Policing

### 401.1 PURPOSE AND SCOPE

This policy provides guidance to department members that affirms the Mount Healthy Police Department's commitment to policing that is fair and objective.

Nothing in this policy prohibits the use of specified characteristics in law enforcement activities designed to strengthen the department's relationship with its diverse communities (e.g., cultural and ethnicity awareness training, youth programs, community group outreach, partnerships).

#### 401.1.1 DEFINITIONS

Definitions related to this policy include:

**Bias-based policing** - An inappropriate reliance on characteristics such as race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, economic status, age, cultural group, disability or affiliation with any non-criminal group (protected characteristics) as the basis for providing differing law enforcement service or enforcement.

### 401.2 POLICY

The Mount Healthy Police Department is committed to providing law enforcement services to the community with due regard for the racial, cultural or other differences of those served. It is the policy of this department to provide law enforcement services and to enforce the law equally, fairly, objectively and without discrimination toward any individual or group.

### 401.3 BIAS-BASED POLICING PROHIBITED

Bias-based policing is strictly prohibited.

However, nothing in this policy is intended to prohibit an officer from considering protected characteristics in combination with credible, timely and distinct information connecting a person or people of a specific characteristic to a specific unlawful incident, or to specific unlawful incidents, specific criminal patterns or specific schemes.

### 401.4 MEMBER RESPONSIBILITIES

Every member of this department shall perform his/her duties in a fair and objective manner and is responsible for promptly reporting any suspected or known instances of bias-based policing to a supervisor. Members should, when reasonable to do so, intervene to prevent any biased-based actions by another member.

#### 401.4.1 REASON FOR CONTACT

Officers contacting a person shall be prepared to articulate sufficient reason for the contact, independent of the protected characteristics of the individual.

To the extent that written documentation would otherwise be completed (e.g., arrest report, field interview card), the involved officer should include those facts giving rise to the contact, as applicable.

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Except for required data-collection forms or methods, nothing in this policy shall require any officer to document a contact that would not otherwise require reporting.

#### 401.4.2 REPORTING TRAFFIC STOPS

Each time an officer makes a traffic stop, the officer shall report the gender, race, or ethnicity of the driver.

#### 401.4.3 ATTORNEY GENERAL REPORTS

The Patrol Sergeant should ensure that procedures are in place for the submission of bi-monthly reports relating to certain traffic citations (e.g., texting while driving, driving while distracted) to the Ohio Attorney General's Office consistent with the requirements of ORC § 4511.992.

#### **401.5 SUPERVISOR RESPONSIBILITIES**

Supervisors should monitor those individuals under their command for compliance with this policy and shall handle any alleged or observed violations in accordance with the Personnel Complaints Policy.

- (a) Supervisors should discuss any issues with the involved officer and his/her supervisor in a timely manner.
  - 1. Supervisors should document these discussions, in the prescribed manner.
- (b) Supervisors should periodically review Mobile Video Recorder recordings, portable audio/video recordings, Mobile Data Computer (MDC) data and any other available resource used to document contact between officers and the public to ensure compliance with this policy.
  - 1. Supervisors should document these periodic reviews.
  - 2. Recordings or data that capture a potential instance of bias-based policing should be appropriately retained for administrative investigation purposes.
- (c) Supervisors shall initiate investigations of any actual or alleged violations of this policy.
- (d) Supervisors should take prompt and reasonable steps to address any retaliatory action taken against any member of this department who discloses information concerning bias-based policing.

#### **401.6 ADMINISTRATION**

Each year, the Patrol Sergeant should review the efforts of the Department to provide fair and objective policing and submit an annual report, including public concerns and complaints, to the Chief of Police. The annual report should not contain any identifying information about any specific complaint, citizen or officers. It should be reviewed by the Chief of Police to identify any changes in training or operations that should be made to improve service.

Supervisors should review the annual report and discuss the results with those they are assigned to supervise.

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#### *Bias-Based Policing*

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##### 401.6.1 PUBLISHING AN ANNUAL REPORT TO THE PUBLIC

The Chief of Police or the authorized designee shall prepare an annual report for the public that documents the annual administrative review of agency practices, data collected and citizens' concerns.

##### **401.7 TRAINING**

Training on fair and objective policing and review of this policy should be conducted as directed by the Training Section.

##### 401.7.1 TRAINING FREQUENCY AND TOPICS

The Training Section should provide annual training that includes topics, such as field contacts, traffic stops, search issues, asset seizure and forfeiture, interview techniques, cultural diversity, discrimination and community support.

## Briefing

### 402.1 PURPOSE AND SCOPE

Briefing is generally conducted at the beginning of the officer's assigned shift. Briefing provides an opportunity for important exchange between employees and supervisors. A supervisor generally will conduct briefing unless a supervisor is not on duty, then the officer in charge will. Additionally, officers may conduct briefing for training purposes with supervisor approval.

Briefing should accomplish, at a minimum, the following basic tasks:

- (a) Briefing officers with information regarding daily patrol activity, with particular attention given to unusual situations and changes in the status of wanted persons, stolen vehicles and major investigations.
- (b) Notifying officers of changes in schedules and assignments.
- (c) Notifying officers of new Departmental Directives or changes in Departmental Directives.
- (d) Reviewing recent incidents for training purposes.
- (e) Providing training on a variety of subjects.
- (f) Random uniform, equipment and weapon inspection.

### 402.2 BRIEFING AND ROLL CALL TRAINING

Briefing and roll call training is generally conducted at the beginning or conclusion of the officer's assigned shift, yet it may occur at another period. Briefing and roll call training should incorporate short training segments on a variety of subjects and may include:

- (a) Review and discussion of new or updated policies.
- (b) Present and discuss proper application of existing policy to routine daily activities.
- (c) Present and discuss proper application of existing policy to unusual activities.
- (d) Reviewing recent incidents for training purposes.

### 402.3 PREPARATION OF MATERIALS

The supervisor conducting briefing and/or roll call training, or the officer if the supervisor is unable to participate in a group briefing or roll call training session, is responsible for collection and preparation of the materials necessary for a constructive briefing and/or roll call training.

### 402.4 RETENTION OF BRIEFING AND ROLL CALL TRAINING RECORDS

Briefing and roll call training materials and a curriculum or summary shall be forwarded to the Police Chief for inclusion in training records, as appropriate.

## Crime and Disaster Scene Integrity

### 403.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance in handling a major crime or disaster.

### 403.2 POLICY

It is the policy of the Mount Healthy Police Department to secure crime or disaster scenes so that evidence is preserved, and to identify and mitigate the dangers associated with a major crime or disaster scene for the safety of the community and those required to enter or work near the scene.

### 403.3 SCENE RESPONSIBILITY

The first officer at the scene of a crime or major incident is generally responsible for the immediate safety of the public and preservation of the scene. Officers shall also consider officer safety and the safety of those persons entering or exiting the area, including those rendering medical aid to any injured parties. Once an officer has assumed or been assigned to maintain the integrity and security of the crime or disaster scene, the officer shall maintain the crime or disaster scene until he/she is properly relieved by a supervisor or other designated person.

### 403.4 FIRST RESPONDER CONSIDERATIONS

The following list generally describes the first responder's function at a crime or disaster scene. This list is not intended to be all-inclusive, is not necessarily in order and may be altered according to the demands of each situation:

- (a) Broadcast emergency information, including requests for additional assistance and resources.
- (b) Provide for the general safety of those within the immediate area by mitigating, reducing or eliminating threats or dangers.
- (c) Locate or identify suspects and determine whether dangerous suspects are still within the area.
- (d) Provide first aid to injured parties if it can be done safely.
- (e) Evacuate the location safely as required or appropriate.
- (f) Secure the inner perimeter.
- (g) Protect items of apparent evidentiary value.
- (h) Secure an outer perimeter.
- (i) Identify potential witnesses.
- (j) Start a chronological log noting critical times and personnel allowed access.

### 403.5 SEARCHES

Officers arriving at crime or disaster scenes are often faced with the immediate need to search for and render aid to victims, and to determine if suspects are present and continue to pose a threat. Once officers are satisfied that no additional suspects are present and/or there are no injured

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persons to be treated, those exigent circumstances will likely no longer exist. Officers should thereafter secure the scene and conduct no further search until additional or alternate authority for the search is obtained, such as consent or a search warrant.

##### 403.5.1 CONSENT

When possible, officers should seek written consent to search from authorized individuals. However, in the case of serious crimes or major investigations, it may be prudent to also obtain a search warrant. Consent as an additional authorization may be sought, even in cases where a search warrant has been granted.



# Hamilton County Police Association Special Weapons and Tactics Team

## 404.1 PURPOSE AND SCOPE

The Hamilton County Police Association Special Weapons and Tactics Team (SWAT) is comprised of two specialized teams: the Crisis Negotiation Team (CNT) and the Special Weapons and Tactics team (SWAT). The unit has been established to provide specialized support in handling critical field operations where intense negotiations and/or special tactical deployment methods beyond the capacity of field officers appears to be necessary.

### 404.1.1 OPERATIONAL AND ADMINISTRATIVE POLICY

The Policy Manual sections pertaining to the Hamilton County Police Association Special Weapons and Tactics Team are divided into Administrative and Operational Policy and Procedures. Since situations that necessitate the need for such a law enforcement response vary greatly from incident to incident, and because such events often demand on-scene evaluation, the Operational Policy outlined in this section serves as a guideline to Department personnel, allowing for appropriate on-scene decision-making as required. The Administrative Procedures, however, are more restrictive and few exceptions should be taken.

### 404.1.2 SWAT TEAM DEFINED

**SWAT Team** - A designated unit of law enforcement officers, including a multijurisdictional team, that is specifically trained and equipped to work as a coordinated team to resolve critical incidents that are so hazardous, complex or unusual that they may exceed the capabilities of first responders or investigative units. This includes, but is not limited to, hostage taking, barricaded suspects, snipers, terrorist acts and other high-risk incidents. As a matter of department policy, such a unit may also be used to serve high-risk warrants, both search and arrest, where public and officer safety issues warrant the use of such a unit.

## 404.2 LEVELS OF CAPABILITY/TRAINING

### 404.2.1 LEVEL I

**Level I SWAT team** - Is a basic team capable of providing containment and intervention with critical incidents that exceed the training and resources available to line-level officers. This does not include ad hoc teams of officers that are formed around a specific mission, detail or incident (e.g. active shooter response). Generally, five percent of the basic team's on-duty time should be devoted to training.

### 404.2.2 LEVEL II

**Level II SWAT team** - Is an intermediate level team capable of providing containment and intervention. These teams possess tactical capabilities above the Level I teams. These teams may or may not work together on a daily basis, but are intended to respond to incidents as a team. At

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least five percent of their on-duty time should be devoted to training, with supplemental training for tactical capabilities above the Level I team.

#### 404.2.3 LEVEL III

**Level III SWAT team** - Is an advanced level team whose personnel function as a full-time unit. Generally, 25 percent of their on-duty time is devoted to training. Level III teams operate in accordance with contemporary best practices. Such units possess both skills and equipment to utilize tactics beyond the capabilities of Level I and Level II teams.

#### **404.3 POLICY**

It is the policy of this department to maintain a SWAT team and to provide the equipment, manpower and training necessary to maintain a SWAT team. The SWAT team should develop sufficient resources to perform three basic operational functions:

- (a) Command and control.
- (b) Containment.
- (c) Entry/apprehension/rescue.

It is understood that it is difficult to categorize specific capabilities for critical incidents. Training needs may vary based on the experience level of the team personnel, team administrators and potential incident commanders. Nothing in this policy shall prohibit individual teams from responding to a situation that exceeds their training levels due to the exigency of the circumstances. The preservation of innocent human life is paramount.

#### 404.3.1 POLICY CONSIDERATIONS

A needs assessment should be conducted to determine the type and extent of SWAT missions and operations that are appropriate to this department. The assessment should consider the team's capabilities and limitations and should be reviewed annually by the SWAT commander or designee.

#### 404.3.2 ORGANIZATIONAL PROCEDURES

This department shall develop a separate written set of organizational procedures that should address, at minimum, the following:

- (a) Locally identified specific missions the team is capable of performing.
- (b) Team organization and function.
- (c) Personnel selection and retention criteria.
- (d) Training and required competencies.
- (e) Procedures for activation and deployment.
- (f) Command and control issues, including a clearly defined command structure.
- (g) Multi-agency response.

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- (h) Extrajurisdictional response.
- (i) Specialized functions and supporting resources.

#### 404.3.3 OPERATIONAL PROCEDURES

This department shall develop a separate written set of operational procedures, in accordance with its level of capability, using sound risk reduction practices. The operational procedures should be patterned after the National Tactical Officers Association's Suggested SWAT Best Practices. Because such procedures are specific to SWAT members and will outline tactical and officer safety issues, they are classified as confidential security data and are not included within this policy. The operational procedures should include, at minimum, the following elements:

- (a) Designating personnel responsible for developing an operational or tactical plan prior to, and/or during SWAT operations (time permitting).
  - 1. All SWAT team members should have an understanding of operational planning.
  - 2. SWAT team training should consider planning for both spontaneous and planned events.
  - 3. SWAT teams should incorporate medical emergency contingency planning as part of the SWAT operational plan.
- (b) Plans for mission briefings should be conducted prior to an operation, unless circumstances require immediate deployment.
  - 1. When reasonably possible, briefings should include the specialized units and supporting resources.
- (c) Protocols for a sustained operation should be developed. These may include relief, rotation of personnel and augmentation of resources.
- (d) A generic checklist to be worked through prior to initiating a tactical action should be developed to provide a means of conducting a threat assessment to determine the appropriate response and resources necessary, including the use of SWAT.
- (e) The appropriate role for a trained negotiator should be defined.
- (f) A standard method of determining whether a warrant should be regarded as high risk.
- (g) A method for deciding how best to serve a high-risk warrant with all reasonably foreseeable alternatives being reviewed in accordance with risk/benefit criteria prior to selecting the method of response.
- (h) Post-incident scene management, including:
  - 1. Documentation of the incident.
  - 2. Transition to investigations and/or other units.
  - 3. Debriefing after every deployment of the SWAT team.

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- (a) After-action team debriefing provides evaluation and analysis of critical incidents and affords the opportunity for individual and team assessments. It also helps to identify training needs and reinforces sound risk management practices.
  - (b) Debriefing should not be conducted until involved officers have had the opportunity to individually complete the necessary reports or provide formal statements.
  - (c) To maintain candor and a meaningful exchange, debriefing will generally not be recorded.
  - (d) When appropriate, debriefing should include specialized units and resources.
- (i) Sound risk management analysis.
  - (j) Standardization of equipment.

#### **404.4 TRAINING NEEDS ASSESSMENT**

The SWAT/SWAT commander shall conduct an annual SWAT training needs assessment to ensure that training is conducted within team capabilities and department policy.

##### 404.4.1 INITIAL TRAINING

SWAT team operators and SWAT supervisors/team leaders should not be deployed until successful completion of an approved basic SWAT course or its equivalent.

- (a) To avoid unnecessary or redundant training, previous training completed by members may be considered equivalent when the hours and content or topics meet or exceed requirements determined by the Department.

##### 404.4.2 UPDATED TRAINING

Appropriate team training for the specialized SWAT functions and other supporting resources should be completed prior to full deployment of the team.

SWAT team operators and SWAT supervisors/team leaders should complete update or refresher training every 24 months.

##### 404.4.3 SUPERVISION AND MANAGEMENT TRAINING

Command and executive personnel are encouraged to attend training for managing the SWAT function at the organizational level. This is to ensure that personnel who provide active oversight at the scene of SWAT operations understand the purpose and capabilities of the team.

Command personnel who may assume incident command responsibilities should attend a SWAT or critical incident commander course or its equivalent. SWAT command personnel should attend a SWAT commander or tactical commander course or its equivalent that has been approved by the department.

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##### 404.4.4 SWAT ONGOING TRAINING

Training shall be coordinated by the SWAT commander. The SWAT commander may conduct monthly training exercises that include a review and critique of personnel and their performance in the exercise, in addition to specialized training. Mount Healthy Police Department SWAT members are required to participate in training and readiness exercises scheduled by the SWAT team. All tactical training must be documented and the records retained. Training shall consist of the following:

- (a) Each SWAT member shall perform a physical fitness test twice each year. A minimum qualifying score must be attained by each team member.
- (b) Any SWAT team member failing to attain the minimum physical fitness qualification score will be notified of the requirement to retest. Within 30 days of the previous physical fitness test date, the member required to qualify shall report to a team supervisor and complete the entire physical fitness test. Failure to qualify after a second attempt may result in dismissal from the team.
- (c) Those members who are on vacation, ill or are on limited duty status with a medical provider's note of approval on the test date shall be responsible for reporting to a team supervisor and taking the test within 30 days of their return to regular duty. Any member who fails to arrange for and perform the physical fitness test within the 30-day period shall be considered as having failed to attain a qualifying score for that test period.
- (d) Quarterly each SWAT team member shall perform the mandatory SWAT handgun qualification course. The qualification course shall consist of the SWAT basic drill for the handgun. Failure to qualify will require the officer to seek remedial training from a Rangemaster approved by the SWAT commander. Team members who fail to qualify will not be used in SWAT operations until qualified. Team members who fail to qualify must retest within 30 days. Failure to qualify within 30 days with or without remedial training may result in dismissal from the team.
- (e) Quarterly each SWAT team member shall perform a mandatory SWAT qualification course for any specialty weapon issued to or used by the officer during SWAT operations. Failure to qualify will require the officer to seek remedial training from a Rangemaster approved by the SWAT commander. Team members who fail to qualify on their specialty weapon may not utilize the specialty weapon on SWAT operations until qualified. Team members who fail to qualify must retest within 30 days. Failure to qualify with specialty weapons within 30 days may result in the team member being removed from the team or permanently disqualified from use of that particular specialty weapon.

##### 404.4.5 TRAINING SAFETY

Use of a designated safety officer should be considered for all tactical training.

##### 404.4.6 SCENARIO-BASED TRAINING

SWAT teams should participate in scenario-based training that simulates the tactical operational environment. Such training is an established method of improving performance during an actual deployment.

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##### 404.4.7 TRAINING DOCUMENTATION

Individual and team training shall be documented and records maintained by the Training Section. Such documentation shall be maintained in each member's individual training file. A separate agency SWAT training file shall be maintained with documentation and records of all team training.

#### **404.5 UNIFORMS, EQUIPMENT AND FIREARMS**

##### 404.5.1 UNIFORMS

SWAT teams from this department should wear uniforms that clearly identify team members as law enforcement officers. It is recognized that certain tactical conditions may require covert movement. Attire may be selected appropriate to the specific mission.

##### 404.5.2 EQUIPMENT

SWAT teams from this department should be adequately equipped to meet the specific mission identified by the Department.

##### 404.5.3 FIREARMS

Weapons and equipment used by SWAT, the specialized units and the supporting resources should be Department-issued or approved, including any modifications, additions or attachments.

##### 404.5.4 OPERATIONAL READINESS INSPECTION

The commander of the SWAT shall appoint a SWAT supervisor to perform an operational readiness inspection of all unit equipment at least quarterly. The result of the inspection will be forwarded to the SWAT commander. The inspection will include personal equipment issued to members of the unit as well as special use equipment maintained for periodic or occasional use in the SWAT vehicle.

#### **404.6 MANAGEMENT/SUPERVISION OF HAMILTON COUNTY POLICE ASSOCIATION SPECIAL WEAPONS AND TACTICS TEAM**

The commander of the SWAT shall be selected by the Chief of Police upon recommendation of the staff.

##### 404.6.1 PRIMARY UNIT MANAGER

Under the direction of the Chief of Police, through the Patrol Sergeant, the Hamilton County Police Association Special Weapons and Tactics Team shall be managed by a lieutenant.

##### 404.6.2 TEAM SUPERVISORS

The CNT and each SWAT team will be supervised by a team leader who has been appointed by the SWAT Commander.

The team supervisors shall be selected by the Chief of Police upon specific recommendation by staff and the SWAT Commander.

The following represent supervisor responsibilities for the Hamilton County Police Association Special Weapons and Tactics Team:

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- (a) The CNT supervisor's primary responsibility is to supervise the operations of the team, to include deployment, training, first-line participation and other duties as directed by the SWAT lieutenant.
- (b) The SWAT team supervisor's primary responsibility is to supervise the operations of the team, which will include deployment, training, first-line participation and other duties as directed by the SWAT lieutenant.

#### **404.7 CRISIS NEGOTIATION TEAM ADMINISTRATIVE PROCEDURES**

The CNT has been established to provide skilled verbal communicators, who may be utilized to attempt to de-escalate and effect surrender in critical situations where suspects have taken hostages, barricaded themselves or have suicidal tendencies.

The following procedures serve as directives for the administrative operation of the CNT.

##### **404.7.1 SELECTION OF PERSONNEL**

Interested sworn personnel, who are off probation, shall submit a request to their appropriate Sergeant. A copy will be forwarded to the SWAT lieutenant and the CNT sergeant. Qualified applicants will then be invited to an oral interview. The oral board will consist of the SWAT lieutenant, the CNT sergeant and a third person to be selected by the two. Interested personnel shall be evaluated by the following criteria:

- (a) Recognized competence and ability as evidenced by performance.
- (b) Demonstrated good judgment and an understanding of the critical role of a negotiator and the negotiation process.
- (c) Effective communication skills to ensure success as a negotiator.
- (d) Special skills, training or appropriate education as it pertains to the assignment.
- (e) Commitment to the unit, realizing that the assignment may necessitate unusual working hours, conditions and training obligations.

The oral board shall submit a list of successful applicants to the staff for final selection.

##### **404.7.2 TRAINING OF NEGOTIATORS**

Those officers selected as members of the CNT should attend a department-approved basic negotiator's course prior to deployment in an actual crisis situation. Untrained officers may be used in a support or training capacity. Additional training will be coordinated by the team supervisor.

A minimum of one training day per quarter will be required to provide the opportunity for role playing and situational training that is necessary to maintain proper skills. This will be coordinated by the team supervisor.

Continual evaluation of a team member's performance and efficiency as it relates to the positive operation of the unit shall be conducted by the team supervisor. Performance and efficiency levels established by the team supervisor will be met and maintained by all team members. Any member

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of the CNT who performs or functions at a level less than satisfactory shall be subject to dismissal from CNT.

#### **404.8 SWAT TEAM ADMINISTRATIVE PROCEDURES**

The SWAT team was established to provide a skilled and trained team that may be deployed during events requiring specialized tactics, in situations where suspects have taken hostages and/or barricaded themselves, as well as prolonged or predictable situations in which persons who are armed or suspected of being armed pose a danger to themselves or others.

The following procedures serve as directives for the administrative operation of the SWAT team.

##### **404.8.1 SELECTION OF PERSONNEL**

Interested sworn personnel who are off probation shall submit a request to their appropriate Sergeant, a copy of which will be forwarded to the SWAT lieutenant and other SWAT supervisors. Those qualifying applicants will then be invited to participate in the testing process. The order of the tests will be given at the discretion of the SWAT lieutenant. The testing process will consist of an oral board, physical agility test and a SWAT basic handgun and team evaluation.

- (a) Oral board: The oral board will consist of personnel selected by the SWAT lieutenant. Applicants will be evaluated by the following criteria:
  1. Recognized competence and ability as evidenced by performance.
  2. Demonstrated good judgment and an understanding of the critical role of a SWAT team member.
  3. Special skills, training or appropriate education as it pertains to the assignment.
  4. Commitment to the unit, realizing that the additional assignment may necessitate unusual working hours, conditions and training obligations.
- (b) Physical agility: The physical agility test is designed to determine the physical capabilities of the applicant as they relate to performance of SWAT-related duties. The test and scoring procedure will be established by the SWAT lieutenant. A minimum qualifying score shall be attained by the applicant to be considered for the position.
- (c) SWAT basic handgun: Candidates will be invited to shoot the SWAT basic drill for the handgun. A minimum qualifying score of 400 out of a possible score of 500 must be attained to qualify.
- (d) Team evaluation: Current team members will evaluate each candidate on field tactical skills, teamwork, ability to work under stress, communication skills, judgment and any special skills that could benefit the team.
- (e) A list of successful applicants shall be submitted to the staff by the SWAT lieutenant for final selection.



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##### 404.8.2 TEAM EVALUATION

Continual evaluation of a team member's performance and efficiency as it relates to the positive operation of the unit shall be conducted by the SWAT lieutenant. The performance and efficiency level, as established by the team supervisor, will be met and maintained by all SWAT team members. Any member of the SWAT team who performs or functions at a level less than satisfactory shall be subject to dismissal from the team.

#### **404.9 OPERATIONAL GUIDELINES FOR HAMILTON COUNTY POLICE ASSOCIATION SPECIAL WEAPONS AND TACTICS TEAM**

The following procedures serve as guidelines for the operational deployment of the Hamilton County Police Association Special Weapons and Tactics Team. Generally, the SWAT team and the CNT will be activated together. It is recognized, however, that a tactical team may be used in a situation not requiring the physical presence of the CNT, such as warrant service operations. This shall be at the discretion of the SWAT lieutenant.

##### 404.9.1 ON-SCENE DETERMINATION

The supervisor in charge at the scene of a particular event will assess whether the Hamilton County Police Association Special Weapons and Tactics Team should respond. Upon final determination by the Shift Supervisor, the SWAT lieutenant will be notified.

##### 404.9.2 APPROPRIATE SITUATIONS FOR USE OF A HAMILTON COUNTY POLICE ASSOCIATION SPECIAL WEAPONS AND TACTICS TEAM

The following are examples of incidents that may result in the activation of the Hamilton County Police Association Special Weapons and Tactics Team:

- (a) Barricaded suspects who refuse an order to surrender.
- (b) Incidents where hostages have been taken.
- (c) Cases of suicide threats.
- (d) Arrests of dangerous persons.
- (e) Any situation where a SWAT response could enhance the ability to preserve life, maintain social order and ensure the protection of property.

##### 404.9.3 OUTSIDE AGENCY REQUESTS

Requests by field personnel for assistance from outside agency crisis units must be approved by the Shift Supervisor. Deployment of the Mount Healthy Police Department Hamilton County Police Association Special Weapons and Tactics Team in response to requests by other agencies must be authorized by a Sergeant.

##### 404.9.4 MULTIJURISDICTIONAL SWAT OPERATIONS

The SWAT team, including specialized units and supporting resources, should develop protocols, agreements, memorandums of understanding, collective bargaining agreements or working relationships to support multijurisdictional or regional responses.

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- (a) If it is anticipated that multijurisdictional SWAT operations will regularly be conducted, SWAT multi-agency and multidisciplinary joint training exercises are encouraged.
- (b) Members of the Mount Healthy Police Department SWAT team shall operate under the policies, procedures and command of the Mount Healthy Police Department when working in a multi-agency situation.

#### 404.9.5 MOBILIZATION OF HAMILTON COUNTY POLICE ASSOCIATION SPECIAL WEAPONS AND TACTICS TEAM

The on-scene supervisor shall make a request to the Shift Supervisor for the Hamilton County Police Association Special Weapons and Tactics Team to respond. The Shift Supervisor shall then notify the SWAT lieutenant. If unavailable, a team supervisor shall be notified. A current mobilization list shall be maintained in the Shift Supervisor's office by the SWAT lieutenant. The Shift Supervisor will then notify the Patrol Sergeant as soon as practicable.

The Shift Supervisor should advise the SWAT lieutenant with as much of the following information as is available at the time:

- (a) The number of suspects, known weapons and resources.
- (b) If the suspect is in control of hostages.
- (c) If the suspect is barricaded.
- (d) The type of crime involved.
- (e) If the suspect has threatened or attempted suicide.
- (f) The location and safe approach to the command post.
- (g) The extent of any perimeter and the number of officers involved.
- (h) Any other important facts critical to the immediate situation, and whether the suspect has refused an order to surrender.

The SWAT lieutenant shall then call selected officers to respond.

#### 404.9.6 FIELD UNIT RESPONSIBILITIES

While waiting for the Hamilton County Police Association Special Weapons and Tactics Team, field personnel should, if safe, practicable and if sufficient resources exist:

- (a) Establish an inner and outer perimeter.
- (b) Establish a command post outside of the inner perimeter.
- (c) Establish a patrol emergency/arrest response team prior to SWAT arrival. The team actions may include:
  - 1. Securing any subject or suspect who may surrender.
  - 2. Taking action to mitigate a lethal threat or behavior.

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- (d) Evacuate any injured persons or citizens in the zone of danger.
- (e) Attempt to establish preliminary communications with the suspect. Once the SWAT has arrived, all negotiations should generally be halted to allow the negotiators and SWAT team time to set up.
- (f) Be prepared to brief the SWAT lieutenant on the situation.
- (g) Plan for and stage anticipated resources.

#### 404.9.7 ON-SCENE COMMAND RESPONSIBILITIES

Upon arrival of the Hamilton County Police Association Special Weapons and Tactics Team, the Incident Commander shall brief the SWAT lieutenant and team supervisors. Upon review, it will be the Incident Commander's decision, with input from the SWAT lieutenant, whether to deploy the Hamilton County Police Association Special Weapons and Tactics Team. Once the Incident Commander authorizes deployment, the SWAT lieutenant will be responsible for the tactical portion of the operation. The Incident Commander shall continue supervision of the command post operation, outer perimeter security and support for the Hamilton County Police Association Special Weapons and Tactics Team. The Incident Commander and the SWAT lieutenant or designee shall maintain communications at all times.

#### 404.9.8 COMMUNICATION WITH HAMILTON COUNTY POLICE ASSOCIATION SPECIAL WEAPONS AND TACTICS TEAM PERSONNEL

All persons who are non-Hamilton County Police Association Special Weapons and Tactics Team personnel should refrain from any non-emergency contact or from interference with any member of the unit during active negotiations. Operations require the utmost in concentration by involved personnel. No one should interrupt or communicate with SWAT personnel directly. All non-emergency communications shall be channeled through the CNT sergeant or designee.

## Ride-Alongs

### 405.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for a ride-along with members of the Mount Healthy Police Department. This policy provides the requirements, approval process, hours of operation, and member responsibilities for ride-alongs.

### 405.2 REQUESTS TO PARTICIPATE

Generally, ride-along and job observation requests will be maintained and scheduled by the Shift Supervisor. The applicant will complete and sign a ride-along or job observation waiver form. If the applicant is under 18 years of age, a parent or guardian must be present to complete the waiver form. Information requested will include a valid state-issued identification card or driver license number, birthdate, address, and telephone number.

The Shift Supervisor will schedule a date, based on availability, generally one week after the date of application. If approved, a copy of the waiver form will be forwarded to the appropriate section as soon as possible for scheduling considerations.

If the request is denied, a representative of the department will advise the applicant of the denial.

### 405.3 MEMBERS RESPONSIBILITIES

The department member shall consider the safety of the ride-along or job observation participant at all times. The member shall maintain control over the participant and shall instruct the individual about the conditions that necessarily limit the individual's participation. Instructions should include:

- (a) The participant will follow the directions of the department member.
- (b) The participant will not become involved in any investigation, handling of evidence, discussions with victims or suspects, reading an individual's criminal history or other protected information, or handling any police department equipment.
- (c) Participation may be terminated at any time by the member if the participant interferes with the performance of the member's duties.
  1. If the ride-along is in progress, the member may return the participant to the point the ride originated.
- (d) Participants may be allowed to continue a ride-along during the transportation and booking process, provided it does not jeopardize their safety.
- (e) Members will not allow participants to be present in any location or situation that would jeopardize the participant's safety or cause undue stress or embarrassment to a victim or any other member of the public.
- (f) Participants who are not law enforcement officers shall not be permitted to accompany the department member into a private residence without the express consent of the resident or other authorized person.

The member assigned to provide a ride-along shall advise the dispatcher that a ride-along participant is present in the vehicle before going into service. An officer with a ride-along participant

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should use sound discretion when encountering a potentially dangerous situation, such as a high-speed pursuit and, if feasible, let the participant out of the vehicle in a well-lighted public place. The dispatcher will be advised of the situation and as soon as practicable have another department member respond to pick up the participant at that location. The ride-along may be continued or terminated at this time.

Conduct by a person participating in a ride-along that results in termination of the ride-along, or is otherwise inappropriate, should be immediately reported to the Shift Supervisor. The member should enter comments regarding the reasons for terminating the ride-along on the waiver form.

Upon completion of the ride-along, the member shall return the waiver form to the Shift Supervisor.

#### **405.4 POLICY**

Ride-along opportunities will be provided to the members of the public, City employees, and members of this department to observe and experience, first-hand, various functions of the Mount Healthy Police Department. The term "ride-along" includes riding as a passenger with an officer on patrol or observing the work day of members engaged in other functions within the Department, such as the Communications Center.

#### **405.5 ELIGIBILITY**

A ride-along is available to Mt. Healthy residents and business owners, students currently attending class in Mt. Healthy, and those employed within the City of Mt. Healthy. Efforts will be made to accommodate all interested persons. However, any applicant may be disqualified without cause from participating.

Factors that may be considered in disqualifying an applicant include, but are not limited to:

- Being under 15 years of age.
- Prior criminal history.
- Pending criminal action.
- Pending lawsuit against this department or the [city/county].
- Denial by any supervisor.

#### **405.6 AVAILABILITY**

A ride-along or job observation is available most days of the week, from 10:00 a.m. to 11:00 p.m. Exceptions to this schedule may be made as approved by the Chief of Police or Shift Supervisor.

#### **405.7 PROCEDURES**

Once approved, ride-along applicants will be allowed to participate no more than once every six months. An exception may apply to the following law enforcement-involved participants:

- Explorers
- Volunteers
- Chaplains

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#### *Ride-Alongs*

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- Reserves
- Mount Healthy Police Department applicants
- Any others with approval of the Shift Supervisor
- Students enrolled in any department-approved dispatcher training course

An effort will be made to ensure that no more than one member of the public will participate in a ride-along or job observation during any given time period. Normally, no more than one ride-along participant will be allowed in department vehicles at a given time.

Ride-along requirements for department Explorers are covered in the Police Cadets and Explorers Policy.

#### 405.7.1 OFF-DUTY PARTICIPATION

Off-duty members of this department or any other law enforcement agency, and employees of the City, will not be permitted to participate in a ride-along with on-duty members of this department without the express consent of the Shift Supervisor.

In the event that such participation is permitted, the off-duty department member, other law enforcement agency personnel, or City employee shall not:

- (a) Be considered on-duty.
- (b) Represent themselves as a member of this department or any other law enforcement agency.
- (c) Participate in any law enforcement activity except as emergency circumstances may require.

#### 405.7.2 CRIMINAL HISTORY CHECK

All ride-along applicants are subject to a criminal history check. The criminal history check may include a local records check and any other authorized state or national check prior to approval (provided the ride-along is not an employee of the Mount Healthy Police Department).

#### 405.7.3 SUITABLE ATTIRE

Any person approved to participate in a ride-along is required to be suitably dressed in a collared shirt, blouse or jacket, slacks, and shoes. Sandals, t-shirts, tank tops, shorts, and ripped or torn pants are not permitted. Hats and ball caps will not be worn without the express consent of the Shift Supervisor. The Shift Supervisor or a supervisor may refuse a ride-along to anyone who is not dressed appropriately.

## Hazardous Material Response

### 406.1 PURPOSE AND SCOPE

Hazardous materials present a potential harm to employees as a result of their exposure. To comply with Ohio law, the following represents the policy of this department.

#### 406.1.1 HAZARDOUS MATERIAL DEFINED

**Hazardous Material** - A substance which, by its nature, containment, or reactivity, has the capability of inflicting harm during exposure; characterized as being toxic, corrosive, flammable, reactive, an irritant, or strong sensitizer and thereby posing a threat to health when improperly managed.

### 406.2 HAZARDOUS MATERIAL RESPONSE

Employees may encounter situations involving suspected hazardous materials, such as at the scene of a traffic collision, chemical spill or fire. When employees come into contact with a suspected hazardous material, certain steps should be taken to protect themselves and other persons.

A hazardous material response shall be in compliance with the County Chemical Emergency Response and Preparedness Plan (ORC § 3750.01 et seq.; OAC § 3750-1-01 et seq.).

The fire department, under the Ohio Fire Service Emergency Response Plan (OFCERP) for Hazardous Materials/WMD Incident Response, is the agency trained and equipped to properly respond and mitigate most hazardous materials and biohazards. Fire department personnel have the primary role and authority in a HAZMAT incident. The OFCERP provides a central contact number for requests for assistance and operations support (888-822-4900).

Responders should not perform tasks or use equipment without proper training.

A responder entering the area may require decontamination before he/she is allowed to depart the scene and should be evaluated by appropriate technicians and medical professionals for signs of exposure.

The following steps should be considered at any scene involving suspected hazardous materials:

- (a) Make reasonable efforts to secure the scene to prevent access from unauthorized personnel.
- (b) Safely attempt to identify the type of hazardous material. Identification can be determined by placard, driver's manifest or statements from the person transporting the material.
- (c) Notify the appropriate fire department.
- (d) Provide first aid to injured parties if it can be done safely and without contamination.
- (e) Begin evacuation of the immediate and surrounding areas dependent on the material. Voluntary evacuation should be considered. Depending on the material, mandatory evacuation may be necessary.

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- (f) Responders should remain uphill and upwind of the hazard until a zone of entry and a decontamination area is established.

#### **406.3 REPORTING EXPOSURE**

Department personnel who believe that they have been exposed to a hazardous material shall immediately report the exposure to a supervisor. Each exposure shall be documented by the employee in an employee memorandum, which shall be forwarded via chain of command to the Sergeant. Should the affected employee be unable to document the exposure for any reason, it shall be the responsibility of the notified supervisor to complete the memorandum.

Injury or illness caused or believed to be caused from exposure to hazardous materials shall be reported the same as any other on-duty injury or illness, in addition to a crime report or incident report.

##### **406.3.1 SUPERVISOR RESPONSIBILITIES**

When a supervisor has been informed that an employee has been exposed to a hazardous material, he/she shall ensure that immediate medical treatment is obtained and appropriate action is taken to treat the exposure.

To ensure the safety of employees, safety equipment is available through supervisory personnel. Safety items not maintained by the Department will be obtained through the appropriate fire department.



## Hostage and Barricade Incidents

### 407.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for situations where officers have legal cause to contact, detain or arrest a person, and the person refuses to submit to the lawful requests of the officers by remaining in a structure or vehicle and/or by taking a hostage.

The scope of this policy is not intended to address all variables that officers encounter during their initial response or when a hostage or barricade situation has developed. This policy does not require or purport to recommend specific strategies or tactics for resolution as each incident is a dynamic and rapidly evolving event.

#### 407.1.1 DEFINITIONS

Definitions related to this policy include:

**Barricade situation** - An incident where a person maintains a position of cover or concealment and ignores or resists law enforcement personnel, and it is reasonable to believe the subject is armed with a dangerous or deadly weapon.

**Hostage situation** - An incident where it is reasonable to believe a person is unlawfully held by a hostage-taker as security so that specified terms or conditions will be met.

### 407.2 POLICY

It is the policy of the Mount Healthy Police Department to address hostage and barricade situations with due regard for the preservation of life and balancing the risk of injury, while obtaining the safe release of hostages, apprehending offenders and securing available evidence.

### 407.3 COMMUNICATION

When circumstances permit, initial responding officers should try to establish and maintain lines of communication with a barricaded person or hostage-taker. Officers should attempt to identify any additional subjects, inquire about victims and injuries, seek the release of hostages, gather intelligence information, identify time-sensitive demands or conditions and obtain the suspect's surrender.

When available, department-authorized negotiators should respond to the scene as soon as practicable and assume communication responsibilities. Negotiators are permitted to exercise flexibility in each situation based upon their training, the circumstances presented, suspect actions or demands and the available resources.

### 407.4 FIRST RESPONDER CONSIDERATIONS

First responding officers should promptly and carefully evaluate all available information to determine whether an incident involves, or may later develop into, a hostage or barricade situation.

The first responding officer should immediately request a supervisor's response as soon as it is determined that a hostage or barricade situation exists. The first responding officer shall assume the duties of the supervisor until relieved by a supervisor or a more qualified responder. The officer

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#### *Hostage and Barricade Incidents*

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shall continually evaluate the situation, including the level of risk to officers, to the persons involved and to bystanders, and the resources currently available.

The handling officer should brief the arriving supervisor of the incident, including information about suspects and victims, the extent of any injuries, additional resources or equipment that may be needed, and current perimeters and evacuation areas.

#### 407.4.1 BARRICADE SITUATION

Unless circumstances require otherwise, officers handling a barricade situation should attempt to avoid a forceful confrontation in favor of stabilizing the incident by establishing and maintaining lines of communication while awaiting the arrival of specialized personnel and trained negotiators. During the interim the following options, while not all-inclusive or in any particular order, should be considered:

- (a) Ensure injured persons are evacuated from the immediate threat area if it is reasonably safe to do so. Request medical assistance.
- (b) Assign personnel to a contact team to control the subject should he/she attempt to exit the building, structure or vehicle, and attack, use deadly force, attempt to escape or surrender prior to additional resources arriving.
- (c) Request additional personnel, resources and equipment as needed (e.g., canine team, air support, SWAT).
- (d) Provide responding emergency personnel with a safe arrival route to the location.
- (e) Evacuate non-injured persons in the immediate threat area if it is reasonably safe to do so.
- (f) Attempt or obtain a line of communication and gather as much information on the subject as possible, including weapons, other involved parties, additional hazards or injuries.
- (g) Establish an inner and outer perimeter as circumstances require and resources permit to prevent unauthorized access.
- (h) Evacuate bystanders, residents and businesses within the inner and then outer perimeter as appropriate. Check for injuries, the presence of other involved subjects, witnesses, evidence or additional information.
- (i) Determine the need for and notify the appropriate persons within and outside the Department, such as command officers and the Detective.
- (j) If necessary and available, establish a tactical or exclusive radio frequency for the incident.
- (k) Establish a command post.

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##### 407.4.2 HOSTAGE SITUATION

Officers presented with a hostage situation should attempt to avoid a forceful confrontation in favor of controlling the incident in anticipation of the arrival of specialized personnel and trained hostage negotiators. However, it is understood that hostage situations are dynamic and can require that officers react quickly to developing or changing threats. The following options while not all-inclusive or in any particular order, should be considered:

- (a) Ensure injured persons are evacuated from the immediate threat area if it is reasonably safe to do so. Request medical assistance.
- (b) Assign personnel to a contact team to control the subject should he/she attempt to exit the building, structure or vehicle, and attack, use deadly force, attempt to escape or surrender prior to additional resources arriving.
- (c) Establish a rapid response team in the event it becomes necessary to rapidly enter a building, structure or vehicle, such as when the suspect is using deadly force against any hostages (see the Rapid Response and Deployment Policy).
- (d) Assist hostages or potential hostages to escape if it is reasonably safe to do so. Hostages should be kept separated if practicable pending further interview.
- (e) Request additional personnel, resources and equipment as needed (e.g., canine team, air support, SWAT).
- (f) Provide responding emergency personnel with a safe arrival route to the location.
- (g) Evacuate non-injured persons in the immediate threat area if it is reasonably safe to do so.
- (h) Coordinate pursuit or surveillance vehicles and control of travel routes.
- (i) Attempt or obtain a line of communication and gather as much information about the suspect as possible, including any weapons, victims and their injuries, additional hazards, other involved parties and any other relevant intelligence information.
- (j) Establish an inner and outer perimeter as resources and circumstances permit to prevent unauthorized access.
- (k) Evacuate bystanders, residents and businesses within the inner and then outer perimeter as appropriate. Check for injuries, the presence of other involved subjects, witnesses, evidence or additional information.
- (l) Determine the need for and notify the appropriate persons within and outside the Department, such as command officers and the Detective.

If necessary and available, establish a tactical or exclusive radio frequency for the incident.

##### **407.5 SUPERVISOR RESPONSIBILITIES**

Upon being notified that a hostage or barricade situation exists, the supervisor should immediately respond to the scene, assess the risk level of the situation, establish a proper chain of command

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and assume the role of Incident Commander until properly relieved. This includes requesting a SWAT response if appropriate and apprising the SWAT Commander of the circumstances. In addition, the following options, listed here in no particular order, should be considered:

- (a) Ensure injured persons are evacuated and treated by medical personnel.
- (b) Ensure the completion of necessary first responder responsibilities or assignments.
- (c) Request crisis negotiators, specialized units, additional personnel, resources or equipment as appropriate.
- (d) Establish a command post location as resources and circumstances permit.
- (e) Designate assistants who can help with intelligence information and documentation of the incident.
- (f) If it is practicable to do so, arrange for video documentation of the operation.
- (g) Consider contacting utility and communication providers when restricting such services (e.g., restricting electric power, gas, telephone service).
- (h) Ensure adequate law enforcement coverage for the remainder of the City during the incident. The supervisor should direct non-essential personnel away from the scene unless they have been summoned by the supervisor or the Communications Center.
- (i) Identify a media staging area outside the outer perimeter and have the department PIO or a designated temporary media representative provide media access in accordance with the Media Relations Policy.
- (j) Identify the need for mutual aid and the transition or relief of personnel for incidents of extended duration.
- (k) Debrief personnel and review documentation as appropriate.

#### **407.6 HAMILTON COUNTY POLICE ASSOCIATION SPECIAL WEAPONS AND TACTICS TEAM RESPONSIBILITIES**

It will be the Incident Commander's decision, with input from the SWAT Commander, whether to deploy the SWAT during a hostage or barricade situation. Once the Incident Commander authorizes deployment, the SWAT Commander or the authorized designee will be responsible for the tactical portion of the operation. The Incident Commander shall continue supervision of the command post operation, outer perimeter security and evacuation, media access and support for the SWAT. The Incident Commander and the SWAT Commander or the authorized designee shall maintain communications at all times.

#### **407.7 REPORTING**

Unless otherwise relieved by a supervisor or Incident Commander, the handling officer at the scene is responsible for completion and/or coordination of incident reports.

## Response to Bomb Calls

### 408.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines to assist members of the Mount Healthy Police Department in their initial response to incidents involving explosives, explosive devices, explosion/bombing incidents or threats of such incidents. Under no circumstances should these guidelines be interpreted as compromising the safety of first responders or the public. When confronted with an incident involving explosives, safety should always be the primary consideration.

### 408.2 POLICY

It is the policy of the Mount Healthy Police Department to place a higher priority on the safety of persons and the public over damage or destruction to public or private property.

### 408.3 RECEIPT OF BOMB THREAT

Department members receiving a bomb threat should obtain as much information from the individual as reasonably possible, including the type, placement and alleged detonation time of the device.

If the bomb threat is received on a recorded line, reasonable steps should be taken to ensure that the recording is preserved in accordance with established department evidence procedures.

The member receiving the bomb threat should ensure that the Shift Supervisor is immediately advised and informed of the details. This will enable the Shift Supervisor to ensure that the appropriate personnel are dispatched and, as appropriate, the threatened location is given an advance warning.

### 408.4 GOVERNMENT FACILITY OR PROPERTY

A bomb threat targeting a government facility may require a different response based on the government agency.

#### 408.4.1 MOUNT HEALTHY POLICE DEPARTMENT FACILITY

If the bomb threat is against the Mount Healthy Police Department facility, the Shift Supervisor will direct and assign officers as required for coordinating a general building search or evacuation of the police department, as he/she deems appropriate.

#### 408.4.2 OTHER COUNTY OR MUNICIPAL FACILITY OR PROPERTY

If the bomb threat is against a county or municipal facility within the jurisdiction of the Mount Healthy Police Department that is not the property of this department, the appropriate agency will be promptly informed of the threat. Assistance to the other entity may be provided as the Shift Supervisor deems appropriate.

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#### *Response to Bomb Calls*

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##### **408.4.3 FEDERAL BUILDING OR PROPERTY**

If the bomb threat is against a federal building or property, the Federal Protective Service should be immediately notified. The Federal Protective Service provides a uniformed law enforcement response for most facilities, which may include use of its Explosive Detector Dog teams.

If the bomb threat is against a federal government property where the Federal Protective Service is unable to provide a timely response, the appropriate facility's security or command staff should be notified.

Bomb threats against a military installation should be reported to the military police or other military security responsible for the installation.

##### **408.5 PRIVATE FACILITY OR PROPERTY**

When a member of this department receives notification of a bomb threat at a location in the City of Mt. Healthy, the member receiving the notification should obtain as much information as reasonably possible from the notifying individual, including:

- (a) The location of the facility.
- (b) The nature of the threat.
- (c) Whether the type and detonation time of the device is known.
- (d) Whether the facility is occupied and, if so, the number of occupants currently on-scene.
- (e) Whether the individual is requesting police assistance at the facility.
- (f) Whether there are any internal facility procedures regarding bomb threats in place, such as:
  1. No evacuation of personnel and no search for a device.
  2. Search for a device without evacuation of personnel.
  3. Evacuation of personnel without a search for a device.
  4. Evacuation of personnel and a search for a device.

The member receiving the bomb threat information should ensure that the Shift Supervisor is immediately notified so that he/she can communicate with the person in charge of the threatened facility.

##### **408.5.1 ASSISTANCE**

The Shift Supervisor should be notified when police assistance is requested. The Shift Supervisor will make the decision whether the Department will render assistance and at what level. Information and circumstances that indicate a reasonably apparent, imminent threat to the safety of either the facility or the public may require a more active approach, including police control over the facility.

Should the Shift Supervisor determine that the Department will assist or control such an incident, he/she will determine:

- (a) The appropriate level of assistance.

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- (b) The plan for assistance.
- (c) Whether to evacuate and/or search the facility.
- (d) Whether to involve facility staff in the search or evacuation of the building.
  - 1. The person in charge of the facility should be made aware of the possibility of damage to the facility as a result of a search.
  - 2. The safety of all participants is the paramount concern.
- (e) The need for additional resources, including:
  - 1. Notification and response, or standby notice, for fire and emergency medical services.

Even though a facility does not request police assistance to clear the interior of a building, based upon the circumstances and known threat, officers may be sent to the scene to evacuate other areas that could be affected by the type of threat, or for traffic and pedestrian control.

#### **408.6 FOUND DEVICE**

When handling an incident involving a suspected explosive device, the following guidelines, while not all inclusive, should be followed:

- (a) No known or suspected explosive item should be considered safe regardless of its size or apparent packaging.
- (b) The device should not be touched or moved except by the bomb squad or military explosive ordnance disposal team.
- (c) Personnel should not transmit on any equipment that is capable of producing radio frequency energy within the evacuation area around the suspected device. This includes the following:
  - 1. Two-way radios
  - 2. Cell phones
  - 3. Other personal communication devices
- (d) The appropriate bomb squad or military explosive ordnance disposal team should be summoned for assistance.
- (e) The largest perimeter reasonably possible should initially be established around the device based upon available personnel and the anticipated danger zone.
- (f) A safe access route should be provided for support personnel and equipment.
- (g) Search the area for secondary devices as appropriate and based upon available resources.
- (h) Consider evacuation of buildings and personnel near the device or inside the danger zone and the safest exit route.
- (i) Promptly relay available information to the Shift Supervisor including:
  - 1. The time of discovery.

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2. The exact location of the device.
3. A full description of the device (e.g., size, shape, markings, construction).
4. The anticipated danger zone and perimeter.
5. The areas to be evacuated or cleared.

#### **408.7 EXPLOSION/BOMBING INCIDENTS**

When an explosion has occurred, there are multitudes of considerations which may confront the responding officers. As in other catastrophic events, a rapid response may help to minimize injury to victims, minimize contamination of the scene by gathering crowds, or minimize any additional damage from fires or unstable structures.

##### **408.7.1 CONSIDERATIONS**

Officers responding to explosions, whether accidental or a criminal act, should consider the following actions:

- (a) Assess the scope of the incident, including the number of victims and extent of injuries.
- (b) Request additional personnel and resources, as appropriate.
- (c) Assist with first aid.
- (d) Identify and take appropriate precautions to mitigate scene hazards, such as collapsed structures, bloodborne pathogens and hazardous materials.
- (e) Assist with the safe evacuation of victims, if possible.
- (f) Establish an inner perimeter to include entry points and evacuation routes. Search for additional or secondary devices.
- (g) Preserve evidence.
- (h) Establish an outer perimeter and evacuate if necessary.
- (i) Identify witnesses.

##### **408.7.2 NOTIFICATIONS**

When an explosion has occurred, the following people should be notified as appropriate:

- Fire department
- Hamilton County Sheriff's Office Bomb squad
- Additional department personnel, such as the detective and evidence technicians
- Shift Supervisor
- Shift Sergeant
- Police Chief
- Other law enforcement agencies, including local, state or federal agencies, such as the FBI and the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF)



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- Other government agencies, as appropriate

#### 408.7.3 CROWD CONTROL

Only authorized members with a legitimate need should be permitted access to the scene. Spectators and other unauthorized individuals should be restricted to a safe distance as is reasonably practicable given the available resources and personnel.

#### 408.7.4 PRESERVATION OF EVIDENCE

As in any other crime scene, steps should immediately be taken to preserve the scene. The Shift Supervisor should assign officers to protect the crime scene area, which could extend over a long distance. Consideration should be given to the fact that evidence may be imbedded in nearby structures or hanging in trees and bushes.

## Civil Commitments

### 409.1 PURPOSE AND SCOPE

This policy provides guidelines for when officers may place an individual under protective custody for civil commitment (ORC § 5122.10).

### 409.2 POLICY

It is the policy of the Mount Healthy Police Department to protect the public and individuals through legal and appropriate use of the civil commitment process.

### 409.3 AUTHORITY

If an officer has reason to believe that a person is a person with a mental illness and subject to a court order because the person presents a substantial risk of physical harm to themselves or others, the officer may take, or cause the person to be taken, into custody and immediately transport the person to an appropriate hospital for evaluation (ORC § 5122.10).

#### 409.3.1 VOLUNTARY EVALUATION

If an officer encounters an individual who may qualify for a civil commitment, he/she may inquire as to whether the person desires to voluntarily be evaluated at an appropriate facility. If the individual so desires, the officers should:

- (a) Transport the individual to an appropriate facility that is able to conduct the evaluation and admit the person pursuant to a civil commitment.
- (b) If at any point the individual changes his/her mind regarding voluntary evaluation, officers should proceed with the civil commitment, if appropriate.
- (c) Document the circumstances surrounding the individual's desire to pursue voluntary evaluation and/or admission.

### 409.4 CONSIDERATIONS AND RESPONSIBILITIES

Any officer handling a call involving an individual who may qualify for a civil commitment should consider, as time and circumstances reasonably permit:

- (a) Available information that might assist in determining the cause and nature of the individual's action or stated intentions.
- (b) Community or neighborhood mediation services.
- (c) Conflict resolution and de-escalation techniques.
- (d) Available community or other resources available to assist in dealing with mental health issues.

While these steps are encouraged, nothing in this section is intended to dissuade officers from taking reasonable action to ensure the safety of the officers and others.

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#### *Civil Commitments*

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Civil commitments should be preferred over arrest for individuals with mental health issues, who are suspected of committing minor crimes or creating other public safety issues.

#### **409.5 TRANSPORTATION**

When transporting any individual for a civil commitment, the transporting officer should have the Communications Center notify the receiving facility of the estimated time of arrival, the level of cooperation of the individual and whether any special medical care is needed.

Officers may transport individuals in a patrol vehicle and shall secure them in accordance with the Handcuffing and Restraints Policy. Should the detainee require transport in a medical transport vehicle and the safety of any person, including the detainee, requires the presence of an officer during the transport, Shift Supervisor approval is required before transport commences.

##### **409.5.1 MANNER OF TRANSPORTATION**

Officers should make an effort to take individuals into custody in the least conspicuous manner possible. The officer shall inform the individual (ORC § 5122.10):

- (a) Of the officer's name, rank/title and agency.
- (b) That the person is not being arrested.
- (c) That the person is being taken for examination by mental health professionals at a mental health facility identified by name.

Officers may transport individuals in a patrol vehicle and shall secure them in accordance with the Handcuffing and Restraints Policy.

#### **409.6 TRANSFER TO APPROPRIATE FACILITY**

Upon arrival at the facility, the officer will escort the individual into a treatment area designated by a facility staff member. If the individual is not seeking voluntary treatment, the officer should provide the staff member with the written application for a civil commitment and remain present to provide clarification of the grounds for detention, upon request.

Absent exigent circumstances, the transporting officer should not assist facility staff with the admission process, including restraint of the individual. However, if the individual is transported and delivered while restrained, the officer may assist with transferring the individual to facility restraints and will be available to assist during the admission process, if requested. Under normal circumstances, officers will not apply facility-ordered restraints.

#### **409.7 DOCUMENTATION**

The officer should complete an application for emergency admission, provide it to the facility staff member assigned to the individual and retain a copy of the application for emergency admission for inclusion in the case report.

The officer should also provide a verbal summary to any evaluating staff member regarding the circumstances leading to the involuntary detention.

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##### **409.7.1 REQUIRED DOCUMENTATION**

The application for emergency admission should include the circumstances under which the person's condition was called to the attention of the officer, the circumstances under which the person was taken into custody and a description of probable cause to believe that the person, because of mental illness, chemical dependency or intoxication, is likely to harm him/herself or others if allowed his/her liberty. This statement shall be made available to the person or the person's attorney upon the request of either (ORC § 5122.10).

##### **409.8 CRIMINAL OFFENSES**

Officers investigating an individual who is suspected of committing a minor criminal offense and who is being taken for a civil commitment should resolve the criminal matter by issuing a citation, as appropriate.

When an individual who may qualify for a civil commitment has committed a serious criminal offense that would normally result in an arrest and transfer to a jail facility, the officer should:

- (a) Arrest the individual when there is probable cause to do so.
- (b) Notify the appropriate supervisor of the facts supporting the arrest and the facts that would support the civil commitment.
- (c) Facilitate the individual's transfer to the jail facility.
- (d) Thoroughly document in the related reports the circumstances that indicate the individual may qualify for a civil commitment.

In the supervisor's judgment, the individual may instead be arrested or booked and transported to the appropriate mental health facility. The supervisor should consider the seriousness of the offense, the treatment options available, the ability of this department to regain custody of the individual, department resources (e.g., posting a guard) and other relevant factors in making this decision.

##### **409.9 FIREARMS AND OTHER WEAPONS**

Whenever an individual is taken into custody for a civil commitment, the handling officers should seek to determine if the individual owns or has access to any firearm or other deadly weapon. Officers should consider whether it is appropriate and consistent with current search and seizure law under the circumstances to seize any such firearms or other dangerous weapons (e.g. safekeeping, evidence, consent).

Officers are cautioned that a search warrant may be needed before entering a residence or other place to search, unless lawful, warrantless entry has already been made (e.g., exigent circumstances, consent). A warrant may also be needed before searching for or seizing weapons.

The handling officers should further advise the individual of the procedure for the return of any firearm or other weapon that has been taken into custody.

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##### **409.9.1 RETURN OF FIREARM**

The officer taking custody of any firearm or other deadly weapon should issue the individual possessing such weapon a receipt that fully describes the weapon (including any serial number) and indicates the location where the weapon may be recovered, along with any applicable time limit for recovery (ORC § 2923.163).

##### **409.10 TRAINING**

This department will endeavor to provide department-approved training on interaction with mentally disabled persons, civil commitments and crisis intervention.

## Citation Releases

### 410.1 PURPOSE AND SCOPE

The purpose of this policy is to provide members of the Mount Healthy Police Department with guidance on when to release adults who are suspected offenders on a citation for a criminal offense, rather than having the person held in custody for a court appearance or released on bail.

Additional release restrictions may apply to those detained for domestic violence, as outlined in the Domestic Violence Policy.

### 410.2 POLICY

The Mount Healthy Police Department will consider its resources and protecting the community when exercising any discretion to release suspected offenders on a citation when authorized to do so.

### 410.3 RELEASE

A suspected offender may be released on issuance of a citation as follows:

- (a) In cases of minor misdemeanors, officers shall not arrest the offender but shall issue a citation for all offenses in which the potential penalty does not exceed \$150 (ORC § 2935.26; Ohio R. Crim. P. 4.1(B)).
- (b) In all other misdemeanors, unless otherwise prohibited by law, officers having probable cause to arrest a person may, in lieu of making the arrest, issue the person a summons to appear if the officer reasonably believes that the summons will ensure the person's appearance. The officer shall also file a complaint describing the alleged offense (Ohio R. Crim. P. 4(3)).

### 410.4 PROHIBITIONS

The release of a suspected offender on a citation is not permitted when:

- (a) The offense is a minor misdemeanor (ORC § 2935.26(A)) and one of the following applies:
  - 1. The offender requires medical care or is unable to provide for his/her own safety.
  - 2. The offender cannot or will not offer satisfactory evidence of his/her identity.
  - 3. The offender refuses to sign the citation.
  - 4. The offender has previously been issued a citation for the commission of that misdemeanor and has failed to either:
    - (a) Appear at the time and place stated in the citation.
    - (b) Within seven days after receiving the citation, sign a plea of guilty and pay the total fine and costs by appearing in person or mailing the citation to the court.

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#### *Citation Releases*

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See the Domestic Violence Policy for release restrictions related to those investigations.

#### **410.5 CONSIDERATIONS**

In determining whether to cite and release a person when discretion is permitted, officers should consider:

- (a) The type of offense committed.
- (b) The known criminal history of the alleged offender.
- (c) The ability to identify the offender with reasonable certainty.
- (d) Whether there is any record of the individual failing to appear in previous cases or other articulable indications that the individual may not appear in court for this offense.
- (e) The individual's ties to the area, such as residence, employment or family.
- (f) Whether there is a reasonable likelihood that criminal conduct by the individual will continue.

# Foreign Diplomatic and Consular Representatives

## 411.1 PURPOSE AND SCOPE

This policy provides guidelines to ensure that members of the Mount Healthy Police Department extend appropriate privileges and immunities to foreign diplomatic and consular representatives in accordance with international law.

## 411.2 POLICY

The Mount Healthy Police Department respects international laws related to the special privileges and immunities afforded foreign diplomatic and consular representatives assigned to the United States.

All foreign diplomatic and consular representatives shall be treated with respect and courtesy, regardless of any privileges or immunities afforded them.

## 411.3 CLAIMS OF IMMUNITY

If a member comes into contact with a person where law enforcement action may be warranted and the person claims diplomatic or consular privileges and immunities, the member should, without delay:

- (a) Notify a supervisor.
- (b) Advise the person that his/her claim will be investigated and he/she may be released in accordance with the law upon confirmation of the person's status.
- (c) Request the person's identification card, either issued by the U.S. Department of State (DOS), Office of the Chief of Protocol, or in the case of persons accredited to the United Nations, by the U.S. Mission to the United Nations. These are the only reliable documents for purposes of determining privileges and immunities.
- (d) Contact the DOS Diplomatic Security Command Center at 571-345-3146 or toll free at 866-217-2089, or at another current telephone number and inform the center of the circumstances.
- (e) Verify the immunity status with DOS and follow any instructions regarding further detention, arrest, prosecution and/or release, as indicated by the DOS representative. This may require immediate release, even if a crime has been committed.

Identity or immunity status should not be presumed from the type of license plates displayed on a vehicle. If there is a question as to the status or the legitimate possession of a Diplomat or Consul license plate, a query should be run via the National Law Enforcement Telecommunications System (NLETS), designating "US" as the state.

## 411.4 ENFORCEMENT ACTION

If the DOS is not immediately available for consultation regarding law enforcement action, members shall be aware of the following:



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- (a) Generally, all persons with diplomatic and consular privileges and immunities may be issued a citation or notice to appear. However, the person may not be compelled to sign the citation.
- (b) All persons, even those with a valid privilege or immunity, may be reasonably restrained in exigent circumstances for purposes of self-defense, public safety or the prevention of serious criminal acts.
- (c) An impaired foreign diplomatic or consular representative may be prevented from driving a vehicle, even if the person may not be arrested due to privileges and immunities.
  - 1. Investigations, including the request for field sobriety tests, chemical tests and any other tests regarding impaired driving may proceed but they shall not be compelled.
- (d) The following persons may not be detained or arrested, and any property or vehicle owned by these persons may not be searched or seized:
  - 1. Diplomatic-level staff of missions to international organizations and recognized family members
  - 2. Diplomatic agents and recognized family members
  - 3. Members of administrative and technical staff of a diplomatic mission and recognized family members
  - 4. Career consular officers, unless the person is the subject of a felony warrant
- (e) The following persons may generally be detained and arrested:
  - 1. International organization staff; however, some senior officers are entitled to the same treatment as diplomatic agents.
  - 2. Support staff of missions to international organizations
  - 3. Diplomatic service staff and consular employees; however, special bilateral agreements may exclude employees of certain foreign countries.
  - 4. Honorary consular officers

#### **411.5 DOCUMENTATION**

All contacts with persons who have claimed privileges and immunities afforded foreign diplomatic and consular representatives should be thoroughly documented and the related reports forwarded to DOS.

#### **411.6 DIPLOMATIC IMMUNITY TABLE**

Reference table on diplomatic immunity:

Category	Arrested or Detained	Enter Residence Subject to Ordinary Procedures	Issued Traffic Citation	Subpoenaed as Witness	Prosecuted	Recognized Family Members
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<b>Diplomatic Agent</b>	No (note (b))	No	Yes	No	No	Same as sponsor (full immunity & inviolability)
<b>Member of Admin and Tech Staff</b>	No (note (b))	No	Yes	No	No	Same as sponsor (full immunity & inviolability)
<b>Service Staff</b>	Yes (note (a))	Yes	Yes	Yes	No for official acts Yes otherwise (note (a))	No immunity or inviolability (note (a))
<b>Career Consul Officer</b>	Yes if for a felony and pursuant to a warrant (note (a))	Yes (note (d))	Yes	No for official acts Testimony may not be compelled in any case	No for official acts Yes otherwise (note (a))	No immunity or inviolability
<b>Honorable Consul Officer</b>	Yes	Yes	Yes	No for official acts Yes otherwise	No for official acts Yes otherwise	No immunity or inviolability
<b>Consulate Employees</b>	Yes (note (a))	Yes	Yes	No for official acts Yes otherwise	No for official acts Yes otherwise (note (a))	No immunity or inviolability (note (a))
<b>Int'l Org Staff (note (b))</b>	Yes (note (c))	Yes (note (c))	Yes	Yes (note (c))	No for official acts Yes otherwise (note (c))	No immunity or inviolability
<b>Diplomatic-Level Staff of Missions to Int'l Org</b>	No (note (b))	No	Yes	No	No	Same as sponsor (full immunity & inviolability)
<b>Support Staff of Missions to Int'l Orgs</b>	Yes	Yes	Yes	Yes	No for official acts Yes otherwise	No immunity or inviolability

Notes for diplomatic immunity table:

- (a) This table presents general rules. The employees of certain foreign countries may enjoy higher levels of privileges and immunities on the basis of special bilateral agreements.
- (b) Reasonable constraints, however, may be applied in emergency circumstances involving self-defense, public safety, or in the prevention of serious criminal acts.

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- (c) A small number of senior officers are entitled to be treated identically to diplomatic agents.
- (d) Note that consul residences are sometimes located within the official consular premises. In such cases, only the official office space is protected from police entry.

## Rapid Response and Deployment

### 412.1 PURPOSE AND SCOPE

Violence that is committed in schools, workplaces and other locations by individuals or a group of individuals who are determined to target and kill persons and to create mass casualties presents a difficult situation for law enforcement. The purpose of this policy is to identify guidelines and factors that will assist officers in situations that call for rapid response and deployment.

### 412.2 POLICY

The Mount Healthy Police Department will endeavor to plan for rapid response to crisis situations, and to coordinate response planning with other emergency services as well as with those that are responsible for operating sites that may be the target of a critical incident.

Nothing in this policy shall preclude the use of reasonable force, deadly or otherwise, by members of the Department in protecting themselves or others from death or serious injury.

### 412.3 FIRST RESPONSE

If there is a reasonable belief that acts or threats by a suspect are placing lives in imminent danger, first responding officers should consider reasonable options to reduce, prevent or eliminate the threat. Officers must decide, often under a multitude of difficult and rapidly evolving circumstances, whether to advance on the suspect, take other actions to deal with the threat or wait for additional resources.

If a suspect is actively engaged in the infliction of serious bodily harm or other life-threatening activity toward others, officers should take immediate action, if reasonably possible, while requesting additional assistance.

Officers should remain aware of the possibility that an incident may be part of a coordinated multi-location attack that may require some capacity to respond to other incidents at other locations.

When deciding on a course of action officers should consider:

- (a) Whether to advance on or engage a suspect who is still a possible or perceived threat to others. Any advance or engagement should be based on information known or received at the time.
- (b) Whether to wait for additional resources or personnel. This does not preclude an individual officer from taking immediate action.
- (c) Whether individuals who are under imminent threat can be moved or evacuated with reasonable safety.
- (d) Whether the suspect can be contained or denied access to victims.
- (e) Whether the officers have the ability to effectively communicate with other personnel or resources.
- (f) Whether planned tactics can be effectively deployed.

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- (g) The availability of rifles, shotguns, shields, breaching tools, control devices and any other appropriate tools, and whether the deployment of these tools will provide a tactical advantage.

In a case of a barricaded suspect with no hostages and no immediate threat to others, officers should consider summoning and waiting for additional assistance (special tactics and/or hostage negotiation team response).

#### **412.4 CONSIDERATIONS**

When dealing with a crisis situation members should:

- (a) Assess the immediate situation and take reasonable steps to maintain operative control of the incident.
- (b) Obtain, explore and analyze sources of intelligence and known information regarding the circumstances, location and suspect involved in the incident.
- (c) Attempt to attain a tactical advantage over the suspect by reducing, preventing or eliminating any known or perceived threat.
- (d) Attempt, if feasible and based upon the suspect's actions and danger to others, a negotiated surrender of the suspect and release of the hostages.

#### **412.5 PLANNING**

The Patrol Sergeant should coordinate critical incident planning. Planning efforts should consider:

- (a) Identification of likely critical incident target sites, such as schools, shopping centers, entertainment and sporting event venues.
- (b) Availability of building plans and venue schematics of likely critical incident target sites.
- (c) Communications interoperability with other law enforcement and emergency service agencies.
- (d) Training opportunities in critical incident target sites, including joint training with site occupants.
- (e) Evacuation routes in critical incident target sites.
- (f) Patrol first-response training.
- (g) Response coordination and resources of emergency medical and fire services.
- (h) Equipment needs.
- (i) Mutual aid agreements with other agencies.
- (j) Coordination with private security providers in critical incident target sites.

##### **412.5.1 SCHOOL SAFETY DRILLS**

The Patrol Sergeant or the authorized designee should cooperate with local school officials required to conduct school safety drills in conjunction with the Mount Healthy Police Department pursuant to ORC § 3737.73. The Department should consider information obtained during the drills when pre-planning department emergency responses to schools.

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#### *Rapid Response and Deployment*

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#### **412.6 TRAINING**

The Police Chief should include rapid response to critical incidents in the training plan. This training should address:

- (a) Orientation to likely critical incident target sites, such as schools, shopping centers, entertainment and sporting event venues.
- (b) Communications interoperability with other law enforcement and emergency service agencies.
- (c) Patrol first-response training, including patrol rifle, shotgun, breaching tool and control device training.
- (d) First aid, including gunshot trauma.
- (e) Reality-based scenario training (e.g., active shooter, disgruntled violent worker).

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## Immigration Violations

### 414.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines to members of the Mount Healthy Police Department relating to immigration and interacting with federal immigration officials.

### 414.2 POLICY

It is the policy of the Mount Healthy Police Department that all members make personal and professional commitments to equal enforcement of the law and equal service to the public. Confidence in this commitment will increase the effectiveness of this department in protecting and serving the entire community and recognizing the dignity of all persons, regardless of their national origin or immigration status.

### 414.3 VICTIMS AND WITNESSES

To encourage crime reporting and cooperation in the investigation of criminal activity, all individuals, regardless of their immigration status, must feel secure that contacting or being addressed by members of law enforcement will not automatically lead to immigration inquiry and/or deportation. While it may be necessary to determine the identity of a victim or witness, members shall treat all individuals equally and not in any way that would violate the United States or Ohio constitutions.

### 414.4 DETENTIONS

An officer should not detain any individual, for any length of time, for a civil violation of federal immigration laws or a related civil warrant.

An officer who has a reasonable suspicion that an individual already lawfully contacted or detained has committed a criminal violation of federal immigration law may detain the person for a reasonable period of time in order to contact federal immigration officials to verify whether an immigration violation is a federal civil violation or a criminal violation. If the violation is a criminal violation, the officer may continue to detain the person for a reasonable period of time if requested by federal immigration officials (8 USC § 1357(g)(10)). No individual who is otherwise ready to be released should continue to be detained only because questions about the individual's status are unresolved.

If the officer has facts that establish probable cause to believe that a person already lawfully detained has committed a criminal immigration offense, he/she may continue the detention and may request a federal immigration official to respond to the location to take custody of the detained person (8 USC § 1357(g)(10)).

An officer is encouraged to forgo detentions made solely on the basis of a misdemeanor offense when time limitations, availability of personnel, issues of officer safety, communication capabilities, or the potential to obstruct a separate investigation outweigh the need for the detention.

An officer should notify a supervisor as soon as practicable whenever an individual is being detained for a criminal immigration violation.

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##### **414.4.1 SUPERVISOR RESPONSIBILITIES**

When notified that an officer has detained an individual and established reasonable suspicion or probable cause to believe the person has violated a criminal immigration offense, the supervisor should determine whether it is appropriate to:

- (a) Transfer the person to federal authorities.
- (b) Lawfully arrest the person for a criminal offense or pursuant to a judicial warrant (see the Law Enforcement Authority Policy).

##### **414.5 ARREST NOTIFICATION TO IMMIGRATION AND CUSTOMS ENFORCEMENT**

Generally, an officer should not notify federal immigration officials when booking arrestees at a jail facility. Any required notification will be handled according to jail operation procedures. No individual who is otherwise ready to be released should continue to be detained solely for the purpose of notification.

##### **414.6 FEDERAL REQUESTS FOR ASSISTANCE**

Requests by federal immigration officials for assistance from this department should be directed to a supervisor. The Department may provide available support services, such as traffic control or peacekeeping efforts.

##### **414.7 INFORMATION SHARING**

No member of this department will prohibit, or in any way restrict, any other member from doing any of the following regarding the citizenship or immigration status, lawful or unlawful, of any individual (8 USC § 1373):

- (a) Sending information to, or requesting or receiving such information from federal immigration officials
- (b) Maintaining such information in department records
- (c) Exchanging such information with any other federal, state, or local government entity

##### **414.7.1 IMMIGRATION DETAINERS**

No individual should be held based solely on a federal immigration detainer under 8 CFR 287.7 unless the person has been charged with a federal crime or the detainer is accompanied by a warrant, affidavit of probable cause, or removal order. Notification to the federal authority issuing the detainer should be made prior to the release.

##### **414.8 U VISA AND T VISA NONIMMIGRANT STATUS**

Under certain circumstances, federal law allows temporary immigration benefits, known as a U visa, to victims and witnesses of certain qualifying crimes (8 USC § 1101(a)(15)(U)).

Similar immigration protection, known as a T visa, is available for certain qualifying victims of human trafficking (8 USC § 1101(a)(15)(T)).



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Any request for assistance in applying for U visa or T visa status should be forwarded in a timely manner to the Investigation Section supervisor assigned to oversee the handling of any related case. The Investigation Section supervisor should:

- (a) Consult with the assigned investigator to determine the current status of any related case and whether further documentation is warranted.
- (b) Contact the appropriate prosecutor assigned to the case, if applicable, to ensure the certification or declaration has not already been completed and whether a certification or declaration is warranted.
- (c) Address the request and complete the certification or declaration, if appropriate, in a timely manner.
  - 1. The instructions for completing certification and declaration forms can be found on the U.S. Department of Homeland Security (DHS) website.
- (d) Ensure that any decision to complete, or not complete, a certification or declaration form is documented in the case file and forwarded to the appropriate prosecutor. Include a copy of any completed form in the case file.

#### **414.9 TRAINING**

The Police Chief should ensure officers receive training on this policy.

Training should include:

- (a) Identifying civil versus criminal immigration violations.
- (b) Factors that may be considered in determining whether a criminal immigration offense has been committed.

## Emergency Utility Service

### 415.1 PURPOSE AND SCOPE

The City Public Works Department has personnel available to handle emergency calls 24 hours per day, seven days a week. Calls for service during non-business hours are frequently directed to the Police Department. Requests for such service received by this department should be handled in the following manner.

#### 415.1.1 BROKEN WATER LINES

The City's responsibility ends at the water meter. Any break or malfunction in the water system from the water meter to the citizen's residence or business is the customer's responsibility. Public Works can only turn off the valve at the meter. The citizen can normally accomplish this.

If a break occurs on the City side of the meter, emergency personnel should be called as soon as practicable by the Communications Center.

#### 415.1.2 ELECTRICAL LINES

City Public Works does not maintain electrical lines to street light poles. When a power line poses a hazard, an officer should be dispatched to protect against personal injury or property damage that might be caused by power lines. The electric company or Public Works should be promptly notified, as appropriate.

#### 415.1.3 RESERVOIRS, PUMPS AND WELLS

Public Works maintains the reservoirs and public water equipment, as well as several underpass and other street drainage pumps. In the event of flooding or equipment malfunctions, emergency personnel should be contacted as soon as possible.

#### 415.1.4 EMERGENCY NUMBERS

A current list of emergency personnel who are to be called for municipal utility emergencies will be maintained by the Police Clerk and the Hamilton County the Communications Center.

### 415.2 TRAFFIC SIGNAL MAINTENANCE

The City of Mt. Healthy contracts with a private company to furnish maintenance for all traffic signals within the City, other than those maintained by the Ohio Department of Transportation (ODOT).

#### 415.2.1 OFFICER'S RESPONSIBILITIES

Upon observing a damaged or malfunctioning signal, the officer will advise the Communications Center of the location and problem with the signal. The dispatcher should make the necessary notification to the proper maintenance agency.

## Field Training Officer Program

### 416.1 PURPOSE AND SCOPE

The Field Training Officer Program is intended to provide a standardized program to facilitate the officer's transition from the academic setting to the actual performance of general law enforcement duties of the Mount Healthy Police Department.

It is the policy of this department to assign all new police officers to a structured Field Training Officer Program that is designed to prepare the new officer to perform in a patrol assignment and to acquire all of the skills needed to operate in a safe, productive and professional manner.

### 416.2 RECRUIT TRAINING PROGRAM

#### 416.2.1 CURRICULUM

Basic recruit training mandated by the Ohio Peace Officer Training Council is based on a job task analysis that has been performed in and by the State of Ohio based on actual tasks officers are called on to perform everyday

#### 416.2.2 EVALUATION TECHNIQUES

The Ohio Peace Officer Training Council's training program uses evaluation techniques designed to measure competency in the required skills, knowledge, and abilities of the curriculum taught, including a final competency test of which a passing grade must be obtained.

#### 416.2.3 ORIENTATION HANDBOOK

The Ohio Peace Officer Training Council provides an orientation handbook to all new recruit personnel at the time training begins. This publication will provide information pertaining to academy organization, rules, testing proficiency, skill requirements, and daily training schedules.

### 416.3 FIELD TRAINING OFFICER

The Field Training Officer (FTO) is an experienced officer trained in the art of supervising, training and evaluating entry level and lateral police officers in the application of their previously acquired knowledge and skills. This standard does not apply for the CEO position or other Executive level positions directly reporting to the CEO.

#### 416.3.1 SELECTION PROCESS

FTOs will be selected based on the following requirements:

- (a) Desire to be an FTO.
- (b) Minimum of one year of patrol experience..
- (c) Demonstrated ability as a positive role model
- (d) Evaluation by sergeants and current FTOs.
- (e) Possess a basic training certificate from the Ohio Peace Officer Training Commission (OPOTC).

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- (f) Successfully complete a Department approved Field Training Officer course.
- (g) Participate in periodic In-service training.

#### 416.3.2 TRAINING

An officer selected as an FTO shall successfully complete a Field Training Officer's course approved by the Department prior to being assigned as an FTO.

Periodic In-service training will be provided to Field Training Officers to prepare them for and keep them current with their assigned responsibilities.

#### **416.4 FIELD TRAINING OFFICER PROGRAM SUPERVISOR**

The Field Training Officer Program supervisor will be selected from the rank of sergeant or above by the Police Chief and should complete Department-approved supervisory training within one year of appointment to this position.

The responsibilities of the FTO Program supervisor include the following:

- (a) Assignment of trainees to FTOs.
- (b) Conduct FTO meetings.
- (c) Maintain and ensure FTO/trainee performance evaluations are completed on a daily basis.
- (d) Maintain, update and issue the Field Training Manual to each trainee.
- (e) Monitor individual FTO performance.
- (f) Monitor overall FTO Program.
- (g) Maintain liaison with FTO coordinators of other agencies.
- (h) Maintain liaison with academy staff on recruit performance during the academy.
- (i) Develop ongoing training for FTOs.

#### **416.5 TRAINEE DEFINED**

**Trainee** - Any entry level or lateral police officer newly appointed to the Mount Healthy Police Department who has successfully completed an OPOTC approved basic academy and possesses an OPOTC basic training certificate within one year after commencing employment as a peace officer.

#### **416.6 REQUIRED TRAINING**

The Field Training Program which consists of a minimum of nine weeks (360 hours).

Entry level officers shall be required to successfully complete the Field Training Program prior to assignment in any capacity in which the officer is allowed to carry a weapon or is in a position to make an arrest. Those persons that have been hired, but who have not yet completed the basic training course, could be used in such positions communications, records, or other activities not requiring the carrying of a weapon.

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The training period for lateral officers may be modified depending on the trainee's demonstrated performance and level of experience, but shall consist of a minimum of eight weeks.

The required training will take place on at least two different shifts and with at least two different FTOs if reasonably possible.

#### 416.6.1 FIELD TRAINING MANUAL

Each new officer will be issued a Field Training Manual at the beginning of his/her Primary Training Phase. This manual is an outline of the subject matter and skills necessary to properly function as an officer with the Mount Healthy Police Department. The officer shall become knowledgeable of the subject matter as outlined. He/she shall also become proficient with those skills as set forth in the manual.

The Field Training Manual will specifically cover those policies, procedures, rules and regulations of the Mount Healthy Police Department.

#### **416.7 EVALUATIONS**

Evaluations are an important component of the training process and shall be completed as outlined below.

#### 416.7.1 EVALUATION GUIDELINES FOR FIELD TRAINING OFFICER

Recruits will be evaluated through a Daily Observation Report (DOR) that will be filled out by the FTO each day. DORs will reflect the progress and performance of the trainee during each call and day. DORs are reviewed by the FTO Sergeant. A weekly evaluation will be completed by the FTO summarizing the the recruit's performance which will also be reviewed by the FTO Sergeant and forwarded to the Police Chief to allow for a short and long term evaluation of the trainee and assurance that they are receiving relevant training.

#### 416.7.2 FIELD TRAINING OFFICER REPORTING RESPONSIBILITIES

- (a) FTOs shall complete and submit a written evaluation on the performance of their assigned trainee to the FTO Sergeant on a daily basis.
- (b) FTOs shall review the Daily Observation Reports with the trainee each day.
- (c) FTOs shall complete and submit a written evaluation on the performance of their assigned trainee to the FTO Sergeant on a weekly basis.
- (d) A detailed end-of-phase performance evaluation on the assigned trainee shall be completed by the FTO at the end of each phase of training and submitted to the FTO Sergeant.
- (e) FTOs shall be responsible for signing off on all completed topics contained in the Field Training Manual, noting the method of learning and evaluating the performance of the assigned trainee.

#### 416.7.3 IMMEDIATE SUPERVISOR

The FTO's immediate supervisor shall review and approve the Daily Observation Reports and forward them to the Field Training Administrator..

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##### **416.7.4 FIELD TRAINING ADMINISTRATOR**

The Field Training Administrator will review and approve the Daily Trainee Performance Evaluations submitted through the FTO's immediate supervisor.

The Field Training Administrator will hold periodic meetings with all FTOs to ensure understanding and compliance with the requirements of the Field Training Program. At least annually, the Field Training Administrator will hold a process review meeting with all FTOs to discuss changes needed in the FTO Program. A summary of this meeting, with any recommendations or changes made, will be documented and forwarded to the Chief of Police for review and approval.

##### **416.7.5 TRAINEE**

At the completion of the Field Training Program, the trainee shall submit a performance evaluation of each of his/her FTOs and of the Field Training Program.

#### **416.8 DOCUMENTATION**

All documentation of the Field Training Program will be retained in the officer's training files and will consist of the following:

- (a) Daily Observation Reports.
- (b) Completed Field Training Manual
- (c) End of phase evaluations.
- (d) A Certificate of Completion, certifying that the trainee has successfully completed the required number of hours of field training.

## Aircraft Accidents

### 417.1 PURPOSE AND SCOPE

The purpose of this policy is to provide department members with guidelines for handling aircraft accidents.

This policy does not supersede, and is supplementary to, applicable portions of the Crime and Disaster Scene Integrity, Emergency Management Plan and Hazardous Material Response policies.

#### 417.1.1 DEFINITIONS

Definitions related to this policy include:

**Aircraft** - Any fixed wing aircraft, rotorcraft, balloon, blimp/dirigible or glider that is capable of carrying a person or any unmanned aerial vehicle other than those intended for non-commercial recreational use.

### 417.2 POLICY

It is the policy of the Mount Healthy Police Department to provide an appropriate emergency response to aircraft accidents. This includes emergency medical care and scene management.

### 417.3 ARRIVAL AT SCENE

Officers or other authorized members tasked with initial scene management should establish an inner and outer perimeter to:

- (a) Protect persons and property.
- (b) Prevent any disturbance or further damage to the wreckage or debris, except to preserve life or rescue the injured.
- (c) Preserve ground scars and marks made by the aircraft.
- (d) Manage the admission and access of public safety and medical personnel to the extent necessary to preserve life or to stabilize hazardous materials.
- (e) Maintain a record of persons who enter the accident site.
- (f) Consider implementation of an Incident Command System (ICS).

### 417.4 INJURIES AND CASUALTIES

Members should address emergency medical issues and provide care as a first priority.

Those tasked with the supervision of the scene should coordinate with the National Transportation Safety Board (NTSB) before the removal of bodies. If that is not possible, the scene supervisor should ensure documentation of what was disturbed, including switch/control positions and instrument/gauge readings.

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#### **417.5 NOTIFICATIONS**

When an aircraft accident is reported to this department, the responding supervisor shall ensure notification is or has been made to NTSB, the Federal Aviation Administration (FAA), and when applicable, the appropriate branch of the military.

Supervisors shall ensure other notifications are made once an aircraft accident has been reported. The notifications will vary depending on the type of accident, extent of injuries or damage, and the type of aircraft involved. When an aircraft accident has occurred, it is generally necessary to notify the following:

- (a) Fire department
- (b) Appropriate airport tower
- (c) Emergency medical services (EMS)

#### **417.6 CONTROLLING ACCESS AND SCENE AUTHORITY**

Prior to NTSB arrival, scene access should be limited to authorized personnel from the:

- (a) FAA.
- (b) Fire department, EMS or other assisting law enforcement agencies.
- (c) Coroner.
- (d) Air Carrier/Operators investigative teams with NTSB approval.
- (e) Appropriate branch of the military, when applicable.
- (f) Other emergency services agencies (e.g., hazardous materials teams, biohazard decontamination teams, fuel recovery specialists, explosive ordnance disposal specialists).

The NTSB has primary responsibility for investigating accidents involving civil aircraft. In the case of a military aircraft accident, the appropriate branch of the military will have primary investigation responsibility.

After the NTSB or military representative arrives on-scene, the efforts of this department will shift to a support role for those agencies.

If NTSB or a military representative determines that an aircraft or accident does not qualify under its jurisdiction, the on-scene department supervisor should ensure the accident is still appropriately investigated and documented.

#### **417.7 DANGEROUS MATERIALS**

Members should be aware of potentially dangerous materials that might be present. These may include, but are not limited to:

- (a) Fuel, chemicals, explosives, biological or radioactive materials and bombs or other ordnance.
- (b) Pressure vessels, compressed gas bottles, accumulators and tires.
- (c) Fluids, batteries, flares and igniters.



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- (d) Evacuation chutes, ballistic parachute systems and composite materials.

#### **417.8 DOCUMENTATION**

All aircraft accidents occurring within the City of Mt. Healthy shall be documented. At a minimum, the documentation should include the date, time and location of the incident; any witness statements, if taken; the names of MHPD members deployed to assist; other City resources that were utilized; and cross reference information to other investigating agencies. Suspected criminal activity should be documented on the appropriate crime report.

##### **417.8.1 WRECKAGE**

When reasonably safe, members should:

- (a) Obtain the aircraft registration number (N number) and note the type of aircraft.
- (b) Attempt to ascertain the number of casualties.
- (c) Obtain photographs or video of the overall wreckage, including the cockpit and damage, starting at the initial point of impact, if possible, and any ground scars or marks made by the aircraft.
  - 1. Military aircraft may contain classified equipment and therefore shall not be photographed unless authorized by a military commanding officer (18 USC § 795).
- (d) Secure, if requested by the lead authority, any electronic data or video recorders from the aircraft that became dislodged or cell phones or other recording devices that are part of the wreckage.
- (e) Acquire copies of any recordings from security cameras that may have captured the incident.

##### **417.8.2 WITNESSES**

Members tasked with contacting witnesses should obtain:

- (a) The location of the witness at the time of his/her observation relative to the accident site.
- (b) A detailed description of what was observed or heard.
- (c) Any photographs or recordings of the accident witnesses may be willing to voluntarily surrender.
- (d) The names of all persons reporting the accident, even if not yet interviewed.
- (e) Any audio recordings of reports to 9-1-1 regarding the accident and dispatch records.

#### **417.9 MEDIA RELATIONS**

The Public Information Officer (PIO) should coordinate a response to the media, including access issues, road closures, detours and any safety information that is pertinent to the surrounding community. Any release of information regarding details of the accident itself should be coordinated with the NTSB or other authority who may have assumed responsibility for the investigation.

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Depending on the type of aircraft, the airline or the military may be responsible for family notifications and the release of victims' names. The PIO should coordinate with other involved entities before the release of information.

## Obtaining Air Support Assistance

### 418.1 PURPOSE AND SCOPE

The use of air support can be invaluable in certain situations. This policy specifies potential situations where the use of air support may be requested and the responsibilities for making a request.

### 418.2 REQUEST FOR AIR SUPPORT ASSISTANCE

If a supervisor or officer in charge of an incident determines that the use of air support would be beneficial, a request to obtain air support assistance may be made.

#### 418.2.1 REQUEST FOR ASSISTANCE FROM ANOTHER AGENCY

After consideration and approval of the request for air support, the Shift Supervisor or designee will call the closest agency having air support available. The Shift Supervisor will apprise that agency of the specific details of the incident prompting the request.

#### 418.2.2 CIRCUMSTANCES UNDER WHICH AID MAY BE REQUESTED

Law enforcement air support may be requested under any of the following conditions:

- (a) When the aircraft is activated under existing mutual aid agreements.
- (b) Whenever the safety of law enforcement personnel is in jeopardy and the presence of the aircraft may reduce such hazard.
- (c) When the use of aircraft will aid in the capture of a suspected fleeing felon whose continued freedom represents an ongoing threat to the community.
- (d) When an aircraft is needed to locate a person who is lost and whose continued absence constitutes a serious health or safety hazard.
- (e) Vehicle pursuits.
- (f) Pre-planned events or actions that require air support.
- (g) When the Shift Supervisor or equivalent authority determines a reasonable need exists.

While it is recognized that the availability of air support will generally provide valuable assistance to ground personnel, the presence of air support will rarely replace the need for officers on the ground.

## Contacts and Temporary Detentions

### 419.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for temporarily detaining but not arresting persons in the field, conducting field interviews (FI) and pat-down searches, and the taking and disposition of photographs.

#### 419.1.1 DEFINITIONS

Definitions related to this policy include:

**Consensual encounter** - When an officer contacts an individual but does not create a detention through words, actions, or other means. In other words, a reasonable individual would believe that his/her contact with the officer is voluntary.

**Field interview (FI)** - The brief detainment of an individual, whether on foot or in a vehicle, based on reasonable suspicion for the purpose of determining the individual's identity and resolving the officer's suspicions.

**Field photographs** - Posed photographs taken of a person during a contact, temporary detention, or arrest in the field. Undercover surveillance photographs of an individual and recordings captured by the normal operation of a Mobile Audio/Video (MAV) system, body-worn camera, or public safety camera when persons are not posed for the purpose of photographing are not considered field photographs.

**Pat-down search** - A type of search used by officers in the field to check an individual for dangerous weapons. It involves a thorough patting-down of clothing to locate any weapons or dangerous items that could pose a danger to the officer, the detainee, or others.

**Reasonable suspicion** - When, under the totality of the circumstances, an officer has articulable facts that criminal activity may be afoot and a particular person is connected with that possible criminal activity.

**Temporary detention** - When an officer intentionally, through words, actions, or physical force, causes an individual to reasonably believe he/she is required to restrict his/her movement without an actual arrest. Temporary detentions also occur when an officer actually restrains a person's freedom of movement.

### 419.2 POLICY

The Mount Healthy Police Department respects the right of the public to be free from unreasonable searches or seizures. Due to an unlimited variety of situations confronting the officer, the decision to temporarily detain a person and complete an FI, pat-down search, or field photograph shall be left to the officer based on the totality of the circumstances, officer safety considerations, and constitutional safeguards.

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#### **419.3 FIELD INTERVIEWS**

Based on observance of suspicious circumstances or upon information from investigation, an officer may initiate the stop of a person, and conduct an FI, when there is articulable, reasonable suspicion to do so. A person, however, shall not be detained longer than is reasonably necessary to resolve the officer's suspicion.

Nothing in this policy is intended to discourage consensual contacts. Frequent casual contact with consenting individuals is encouraged by the Mount Healthy Police Department to strengthen community involvement, community awareness, and problem identification.

##### **419.3.1 INITIATING A FIELD INTERVIEW**

When initiating the stop, the officer should be able to point to specific facts which, when considered with the totality of the circumstances, reasonably warrant the stop. Such facts include but are not limited to an individual's:

- (a) Appearance or demeanor suggesting that he/she is part of a criminal enterprise or is engaged in a criminal act.
- (b) Actions suggesting that he/she is engaged in a criminal activity.
- (c) Presence in an area at an inappropriate hour of the day or night.
- (d) Presence in a particular area is suspicious.
- (e) Carrying of suspicious objects or items.
- (f) Excessive clothes for the climate or clothes bulging in a manner that suggests he/she is carrying a dangerous weapon.
- (g) Location in proximate time and place to an alleged crime.
- (h) Physical description or clothing worn that matches a suspect in a recent crime.
- (i) Prior criminal record or involvement in criminal activity as known by the officer.

#### **419.4 PAT-DOWN SEARCHES**

Once a valid stop has been made, and consistent with the officer's training and experience, an officer may pat a suspect's outer clothing for weapons if the officer has a reasonable, articulable suspicion the suspect may pose a safety risk. The purpose of this limited search is not to discover evidence of a crime, but to allow the officer to pursue the investigation without fear of violence. Circumstances that may establish justification for performing a pat-down search include but are not limited to:

- (a) The type of crime suspected, particularly in crimes of violence where the use or threat of weapons is involved.
- (b) Where more than one suspect must be handled by a single officer.
- (c) The hour of the day and the location or area where the stop takes place.
- (d) Prior knowledge of the suspect's use of force and/or propensity to carry weapons.
- (e) The actions and demeanor of the suspect.

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- (f) Visual indications which suggest that the suspect is carrying a firearm or other dangerous weapon.

Whenever practicable, a pat-down search should not be conducted by a lone officer. A cover officer should be positioned to ensure safety and should not be involved in the search.

#### **419.5 FIELD PHOTOGRAPHS**

All available databases should be searched before photographing any field detainee. If a photograph is not located, or if an existing photograph no longer resembles the detainee, the officer shall carefully consider, among other things, the factors listed below.

##### **419.5.1 FIELD PHOTOGRAPHS TAKEN WITH CONSENT**

Field photographs may be taken when the subject being photographed knowingly and voluntarily gives consent. When taking a consensual photograph, the officer should have the individual read and sign the appropriate form accompanying the photograph.

##### **419.5.2 FIELD PHOTOGRAPHS TAKEN WITHOUT CONSENT**

Field photographs may be taken without consent only if they are taken during a detention that is based upon reasonable suspicion of criminal activity, and the photograph serves a legitimate law enforcement purpose related to the detention. The officer must be able to articulate facts that reasonably indicate that the subject was involved in or was about to become involved in criminal conduct. The subject should not be ordered to remove or lift any clothing for the purpose of taking a photograph.

If, prior to taking a photograph, the officer's reasonable suspicion of criminal activity has been dispelled, the detention must cease and the photograph should not be taken.

All field photographs and related reports shall be submitted to a supervisor and retained in compliance with this policy.

##### **419.5.3 FIELD PHOTOGRAPHS OF CHILDREN**

Field photographs may only be taken of a child with the consent of a juvenile court judge, except when the child has been (ORC § 2151.313):

- (a) Arrested or otherwise taken into custody for committing, or has been adjudicated as a delinquent child for committing, an act that would be a felony if committed by an adult.
- (b) Convicted of or pleaded guilty to committing a felony.
- (c) Arrested or otherwise taken into custody or has been adjudicated as a delinquent child for committing an act where all of the following apply:
  - 1. The offense is not a traffic offense or minor misdemeanor if committed by an adult.
  - 2. There is probable cause to believe the child may have been involved in the act.

The officer who photographs a juvenile shall immediately inform the juvenile court that the photographs were taken and shall provide the court with the identity of the juvenile, the number

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of photographs taken and the name and address of each person who has custody and control of the photographs or copies of the photographs (ORC § 2151.313(A)(2)).

#### 419.5.4 DISPOSITION OF PHOTOGRAPHS

All detainee photographs must be adequately labeled and submitted to the Shift Supervisor with either an associated FI card or other documentation explaining the nature of the contact. If an individual is photographed as a suspect in a particular crime, the photograph should be submitted as an evidence item in the related case, following standard evidence procedures.

If a photograph is not associated with an investigation where a case number has been issued, the Shift Supervisor should review and forward the photograph to one of the following locations:

- (a) If the photograph and associated FI or documentation is relevant to criminal organization/enterprise enforcement, the Shift Supervisor will forward the photograph and documents to the designated criminal intelligence system supervisor. The supervisor will ensure the photograph and supporting documents are retained as prescribed in the Criminal Organizations Policy.
- (b) Photographs that do not qualify for retention in a criminal intelligence system or temporary information file shall be forwarded to the Police Clerk.

When a photograph is taken in association with a particular case, the investigator may use such photograph in a photo lineup. Thereafter, the individual photograph should be retained as a part of the case file. All other photographs shall be retained in accordance with the established records retention schedule.

Photographs of children shall be retained in a file separate and apart from all photographs taken of adults until released to the juvenile court or as otherwise ordered by a juvenile judge (ORC § 2151.313(B)).

When a photograph of a child is taken in association with a particular case, before filing a complaint regarding the offense, the photograph may only be used in the investigation of the original offense and may only be released to the court.

After filing the complaint, the photograph may be used to investigate the original offense or to investigate any other juvenile delinquency offense involving the juvenile as a suspect. Photographs may also be used in a photo lineup when the child in the photograph has been adjudicated as a delinquent child for the commission of an act that would be a felony if committed by an adult, or convicted or pleaded guilty to a criminal offense that is a felony as a result of the arrest or custody that was the basis of the taking of the photographs (ORC § 2151.313(C)).

#### 419.5.5 SUPERVISOR RESPONSIBILITIES

While it is recognized that field photographs often become valuable investigative tools, supervisors should monitor such practices in view of the above listed considerations. This is not to imply that supervisor approval is required before each photograph is taken.

Access to, and use of, field photographs shall be strictly limited to law enforcement purposes.

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#### **419.6 WITNESS IDENTIFICATION AND INTERVIEWS**

Because potential witnesses to an incident may become unavailable or the integrity of their statements compromised with the passage of time, officers should, when warranted by the seriousness of the case, take reasonable steps to promptly coordinate with an on-scene supervisor and/or criminal investigator to utilize available members for the following:

- (a) Identifying all persons present at the scene and in the immediate area.
  - 1. When feasible, a recorded statement should be obtained from those who claim not to have witnessed the incident but who were present at the time it occurred.
  - 2. Any potential witness who is unwilling or unable to remain available for a formal interview should not be detained absent reasonable suspicion to detain or probable cause to arrest. Without detaining the individual for the sole purpose of identification, officers should attempt to identify the witness prior to his/her departure.
- (b) Witnesses who are willing to provide a formal interview should be asked to meet at a suitable location where criminal investigators may obtain a recorded statement. Such witnesses, if willing, may be transported by department members.
  - 1. A written, verbal, or recorded statement of consent should be obtained prior to transporting a witness. When the witness is a minor, consent should be obtained from the parent or guardian, if available, prior to transport.

#### **419.7 COMPLIANCE WITH CONSTITUTIONAL REQUIREMENTS**

##### INTERVIEWS AND INTERROGATIONS, ACCESS TO COUNSEL

#### **419.8 INTERVIEW ROOMS**

##### 419.8.1 WEAPONS CONTROL

- (a) To prevent weapon acquisition (handguns, chemical agents, batons, etc.) by persons being detained, members shall practice safe positioning and proximity to the detainee. Members shall:
  - 1. Keep their gun sides away from the suspects.
  - 2. Ensure that the subject(s) do not access other weapons, such as the baton, OC spray and personal weapons.
  - 3. When a prisoner must use a toilet facility, officers will first search the facility for weapons or other contraband that prisoners could use to aid in escape or to injure themselves, officers, or others.
  - 4. The monitoring officer will ensure the restroom is searched after use for any weapons or contraband that may have been discarded.

##### 419.8.2 SECURITY CONCERNS

- (a) Personnel who use the interview room should recognize the relative isolation they may find themselves in and the fact that cooperative subjects can turn combative. Employee safety should not be compromised.



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1. Body Worn Camera shall be in use at all times.
2. The arresting/interviewing officer is responsible for the safety and security of persons brought into the interview room and any other person in the facility until relieved by another officer assuming responsibility.
3. The interview room will be inspected weekly by the officer assigned as the jail facilitator. Such checks will be documented on the T.H.F. Safety, Security, Sanitation, and Contraband Log located inside the interview room.
4. Officers will thoroughly check the interview room for the presence of weapons and contraband prior to placing someone inside the room and immediately after their removal from the room.
5. Officers should use discretion and abide by applicable laws to conduct protective frisks of persons not in custody. The frisks shall be recorded with the Body Worn Camera.
6. All prisoners shall be searched for weapons and contraband prior to being placed in the interview room. The search shall be recorded with the Body Worn Camera.
7. The arresting/interviewing officer is responsible for the safety and security of persons brought into the interview room and any other person in the facility until relieved by another officer assuming responsibility.
8. Intoxicated persons must be under the direct supervision of a police officer at all times.
9. Violent, combative, or highly intoxicated individuals will be transported directly to the Hamilton County Justice Center.
10. Witnesses, victims, and other persons not in custody should not be left alone in the interview room for extended periods of time. Visual contact by an officer should be made at least once every (15) fifteen minutes.
11. No prisoner shall be left unattended for any reason.
12. At no time should an employee, especially a civilian employee, be in jeopardy of mistreatment, threat, or assault by any individual brought into the facility by an officer.

#### 419.8.3 NUMBER OF PERSONNEL ALLOWED IN INTERVIEW ROOM

- (a) The interviewing officer controls access to the interview room and is responsible for the proper identification of persons authorized in the room. Any person, other than agency members, allowed access to the interview room may be subject to a “frisk” or “pat-down” at the officer’s discretion. The number of persons permitted in the interview room during an interview or interrogation should be limited to the suspect or witness, and not more than two officers. Officers should keep their portable radio with them when conducting an interview without another officer present. The Body Worn Camera shall be in use at all times. In addition:
  1. Before questioning a juvenile offender under the age of fourteen (14), the parent(s) or legal guardian of the juvenile should be contacted and asked if they

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desire to be present during the interview. Juveniles should be read their Miranda rights in the presence of their parent or legal guardian.

2. Juvenile offenders who are fourteen (14) years old or older may be questioned without a parent or legal guardian. Such juveniles should be afforded the same rights (i.e., Miranda) as an adult offender. A juvenile's past record and demeanor may be considered by an officer to determine whether a parent or legal guardian should be allowed to be present to observe an interview.
3. Family members, clergy, or others may be allowed at the officer's discretion; and,
4. Attorneys will be permitted access when the person requests one.

#### 419.8.4 MEANS AND METHODS FOR SUMMONING ASSISTANCE

Officers will carry either a radio and/or a telephone with them while conducting an interview/interrogation in an interview room. Officers shall summon assistance via radio or telephone.

#### 419.8.5 USE OF VIDEO AND AND AUDIO RECORDING EQUIPMENT

##### (a) Body Worn Camera Use inside Interview Room

1. The interview room will be recorded at all times with a Body Worn Camera. The Body Worn Camera shall not be turned off at any time, unless authorized by the Police Chief.
2. If circumstances do not reasonably allow for the use of the Body Worn Camera, then the officer must include justification in the report for why electronic recordings were not made.
3. An officer may conduct an interview without electronically recording it with the Body Worn Camera if the accused refuses to have the interview electronically recorded, and the refusal itself is electronically recorded. In this case, the officer may turn off the equipment without authorization from the Police Chief. Once the interview is complete, the officer must turn the Body Worn Camera back on.
4. It is the responsibility of the officer conducting the interview to ensure that the Body Worn Camera is operating properly.
5. Body Worn Camera video recordings, including copies, will show an empty interview room prior to the investigator and person being interviewed entering the room and will conclude only after the person being interviewed has been permanently removed from the room.
6. Officers will record the starting time of any recesses taken and the resumption of the interview.
7. Following an interview, the officer shall ensure that recordings are copied in their entirety to a DVD disk and distributed to the following.
  - (a) The arresting officer's investigative file; and
  - (b) To the Hamilton County Prosecutors Office.
8. The officer conducting the interview is responsible for ensuring that the audio and video portions of the recording have properly transferred to the DVD disks.

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9. In the event an officer discovers that an interview did not properly record due to an equipment malfunction or other reason, the officer shall immediately notify the Police Chief in writing through the officer's chain of command. A copy of the written notification shall be maintained in the criminal investigative file.
  10. The officer will ensure that recordings are clearly labeled with the date and time of the interview, the case internal record number, the name of the person interviewed and the name of the officer conducting the interview.
  11. Handwritten notes are required to be made during the interview. This is to ensure there is documentation of the interview in the event of a recording equipment malfunction.
  12. Officers will make a blotter entry noting an interview has taken place. Include the name of the officer, the time in and out of the room and the OIC notified.
- (b) Custodial interrogations of suspects of the following offenses which occur in a place of detention will be electronically recorded as defined in the definition section of this procedure.
1. 2903.01, Aggravated Murder
  2. 2903.02, Murder
  3. 2903.03, Voluntary Manslaughter
  4. 2903.04, Involuntary Manslaughter (F1 or F2) 2903.06, Aggravated Vehicular Homicide, Vehicular Homicide, Vehicular Manslaughter (F1 or F2)
  5. 2907.02, Rape
  6. 2907.03, Sexual Battery
  7. Attempt to commit a violation of 2907.02, Rape
- (c) All electronic recordings will be clearly identified and cataloged on the evidence.com website.
1. Do not include age, date of birth, or Social Security Number. Start the recording by identifying the person you are interviewing.
  2. Identify who is present in the room during the statement.
  3. Reference the case for which the statement is taken.
  4. State the date and time the statement is started.
  5. State the location the statement is taken.
- (d) When criminal proceedings are brought against a person who was the subject of a custodial interrogation that was electronically recorded, the recording will be preserved until the later of when all appeals, post conviction relief proceedings, and habeas corpus proceedings are final and concluded or the expiration of the period of time within which such appeals and proceedings must be brought.

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- (e) When no criminal proceeding is brought against a person who was the subject of a custodial interrogation that was electronically recorded, the recording will be preserved for the length of time designated in the statute of limitations for the particular offense.

#### 419.8.6 EQUIPMENT/ITEMS IN THE INTERVIEW ROOM

The interview room is equipped with a table and chairs. Only those items necessary to conduct the interview and to provide for the safety and/or comfort of both the officer and the person being interviewed are allowed in the interview room. The interview room contains audio/video recording equipment.

#### 419.8.7 ACCESS TO RESTROOMS, WATER, OR COMFORT BREAKS

The interview room is equipped with a table and chairs. Only those items necessary to conduct the interview and to provide for the safety and/or comfort of both the officer and the person being interviewed are allowed in the interview room:

- (a) All individuals will be afforded an opportunity to address their personal needs during an interview or interrogation.
- (b) No individual will be permitted to move around the building without proper escort.
- (c) When a prisoner must use a toilet facility, officers will first search the facility for weapons or other contraband that prisoners could use to aid in escape or to injure themselves, officers, or others.
- (d) Circumstances may require a same-sex officer to accompany the detainee into the restroom if safety cannot be reasonably guaranteed.
- (e) The monitoring officer will remain directly outside the restroom until the detainee has used the facility.
- (f) The monitoring officer will ensure the restroom is searched after use for any weapons or contraband that may have been discarded.

## Criminal Organizations

### 420.1 PURPOSE AND SCOPE

The purpose of this policy is to ensure that the Mount Healthy Police Department appropriately utilizes criminal intelligence systems and temporary information files to support investigations of criminal organizations and enterprises.

The criminal intelligence function is assigned to the Investigations Unit, however, it is the responsibility of all departmental personnel to seek out and gather intelligence. The Administrative Sergeant is assigned as the Intelligence Officer. The criminal intelligence function includes:

- (a) Collecting raw intelligence.
- (b) Serving as the principal channel for receipt and dissemination of law enforcement intelligence within the department.
- (c) Providing the analytical support to tactical operations.
- (d) Making personal contact with citizens or organizations for use of their residences or businesses for surveillance on criminal target locations.
- (e) It shall be the responsibility of the Investigations Unit Commander to coordinate necessary training of personnel specifically assigned to the intelligence function.

#### 420.1.1 DEFINITIONS

Definitions related to this policy include:

**Criminal intelligence system** - Any record system that receives, stores, exchanges or disseminates information that has been evaluated and determined to be relevant to the identification of a criminal organization or enterprise, its members or affiliates. This does not include temporary information files.

### 420.2 POLICY

The Mount Healthy Police Department recognizes that certain criminal activities, including but not limited to gang crimes and drug trafficking, often involve some degree of regular coordination and may involve a large number of participants over a broad geographical area.

It is the policy of this department to collect and share relevant information while respecting the privacy and legal rights of the public.

### 420.3 CRIMINAL INTELLIGENCE SYSTEMS

No department member may create, submit to or obtain information from a criminal intelligence system unless the Chief of Police has approved the system for department use.

Any criminal intelligence system approved for department use should meet or exceed the standards of 28 CFR 23.20.

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A designated supervisor will be responsible for maintaining each criminal intelligence system that has been approved for department use. The supervisor or the authorized designee should ensure the following:

- (a) Members using any such system are appropriately selected and trained.
- (b) Use of every criminal intelligence system is appropriately reviewed and audited.
- (c) Any system security issues are reasonably addressed.

#### 420.3.1 SYSTEM ENTRIES

It is the designated supervisor's responsibility to approve the entry of any information from a report, FI, photo or other relevant document into an authorized criminal intelligence system. If entries are made based upon information that is not on file with this department, such as open or public source documents or documents that are on file at another agency, the designated supervisor should ensure copies of those documents are retained by the Police Clerk. Any supporting documentation for an entry shall be retained by the Police Clerk in accordance with the established records retention schedule and for at least as long as the entry is maintained in the system.

The designated supervisor should ensure that any documents retained by the Police Clerk are appropriately marked as intelligence information. The Police Clerk may not purge such documents without the approval of the designated supervisor.

#### 420.3.2 MAINTENANCE AND SECURITY

- (a) The Investigations Unit Supervisor or his/her designee shall review the information in the intelligence file on an annual basis and purge out-of date or incorrect information using the following guidelines: (CALEA 40.2.3 d)
  - 1. Information that names a person by name, address, or date of birth, or a particular organization where the identification can be specifically made shall be kept for five years.
  - 2. Information where a subject or organization can only be described but not specifically named shall be purged at the end of one year if during that time a positive identification cannot be made of the subject or organization. If a positive identification can be made within a year, then the file shall be kept for a total of five years.
  - 3. All purged intelligence files shall be destroyed under the supervision of the Investigations Unit Supervisor. Destruction records will be maintained by the Investigations Unit Supervisor listing all files destroyed.
- (b) Intelligence information will be maintained in a locked cabinet located in the Investigations Unit. Access to the file will be restricted to members of the Investigations Unit and others as designated by the Superintendent of Police. The cabinet will be kept locked unless a member of the Investigative Unit is present. (CALEA 40.2.3 b)
- (c) No intelligence information is to be saved to the public areas of the computer network. Any information will be stored on removable media and locked in the intelligence file.

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This does not include information disseminated by email for informational purposes which may be relevant to current investigations or patrol strategies. (CALEA 40.2.3 b)

#### 420.3.3 ANNUAL REVIEW OF PROCEDURES AND PROCESSES

The Administrative Sergeant shall conduct an annual review of procedures associated with the criminal intelligence function for relevance, accuracy and compliance.

#### **420.4 TEMPORARY INFORMATION FILE**

No member may create or keep files on individuals that are separate from the approved criminal intelligence system. However, members may maintain temporary information that is necessary to actively investigate whether a person or group qualifies for entry into the department-approved CIS only as provided in this section. Once information qualifies for inclusion, it should be submitted to the supervisor responsible for consideration of CIS entries.

##### 420.4.1 FILE CONTENTS

A temporary information file may only contain information and documents that, within one year, will have a reasonable likelihood to meet the criteria for entry into an authorized criminal intelligence system.

Information and documents contained in a temporary information file:

- (a) Must only be included upon documented authorization of the responsible department supervisor.
- (b) Should not be originals that would ordinarily be retained by the Police Clerk or Property Management, but should be copies of, or references to, retained documents, such as copies of reports, field interview (FI) forms, the Communications Center records or booking forms.
- (c) Shall not include opinions. No person, organization or enterprise shall be labeled as being involved in crime beyond what is already in the document or information.
- (d) May include information collected from publicly available sources or references to documents on file with another government agency. Attribution identifying the source should be retained with the information.

##### 420.4.2 STREET GANG PREMISES

Any building, premises or real estate, including vacant land, which is used or occupied by a criminal gang on more than two occasions within a one-year period to engage in a pattern of criminal gang activity is a public nuisance. The Investigation Section supervisor may authorize members to collect information on such property for purposes of abatement, pursuant to ORC § 3767.01 through 3767.11 (ORC § 2923.43).

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##### **420.4.3 FILE REVIEW AND PURGING**

The contents of a temporary information file shall not be retained longer than one year. At the end of one year, the contents must be purged or entered in an authorized criminal intelligence system, as applicable.

The designated supervisor shall periodically review the temporary information files to verify that the contents meet the criteria for retention. Validation and purging of files is the responsibility of the supervisor.

##### **420.5 INFORMATION RECOGNITION**

Department members should document facts that suggest an individual, organization or enterprise is involved in criminal activity and should forward that information appropriately. Examples include, but are not limited to:

- (a) Gang indicia associated with a person or residence.
- (b) Information related to a drug-trafficking operation.
- (c) Vandalism indicating an animus for a particular group.
- (d) Information related to an illegal gambling operation.

Department supervisors who utilize an authorized criminal intelligence system should work with the Police Chief to train members to identify information that may be particularly relevant for inclusion.

##### **420.6 RELEASE OF INFORMATION**

Department members shall comply with the rules of an authorized criminal intelligence system regarding inquiries and release of information.

Information from a temporary information file may only be furnished to department members and other law enforcement agencies on a need-to-know basis and consistent with the Records Maintenance and Release Policy.

When an inquiry is made by the parent or guardian of a juvenile as to whether that juvenile's name is in a temporary information file, such information should be provided by the supervisor responsible for the temporary information file, unless there is good cause to believe that the release of such information might jeopardize an ongoing criminal investigation.

Information requested by phone will be provided only to known sources. The intelligence officer will then complete the proper entry in the dissemination log indicating the name and department of the person to whom the information was released.

##### **420.7 CRIMINAL STREET GANGS**

The Investigation Section supervisor should ensure that there are an appropriate number of department members who can:



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- (a) Testify as experts on matters related to criminal street gangs, and maintain an above average familiarity with identification of criminal street gangs, criminal street gang members and patterns of criminal gang activity.
- (b) Coordinate with other agencies in the region regarding criminal street gang crimes and information.
- (c) Train other members to identify gang indicia and investigate criminal street gang-related crimes.

#### **420.8 TRAINING**

The Police Chief should provide training on best practices in the use of each authorized criminal intelligence system to those tasked with investigating criminal organizations and enterprises.

Training should include:

- (a) The protection of civil liberties.
- (b) Participation in a multiagency criminal intelligence system.
- (c) Submission of information into a multiagency criminal intelligence system or the receipt of information from such a system, including any governing federal and state rules and statutes.
- (d) The type of information appropriate for entry into a criminal intelligence system or temporary information file.
- (e) The review and purging of temporary information files.

## Shift Supervisors

### **421.1 PURPOSE AND SCOPE**

Each patrol shift must be advised by supervisors who are capable of making decisions and communicating in a manner consistent with Department policies, procedures, practices, functions and objectives. To accomplish this goal, a Sergeant heads each watch.

### **421.2 DESIGNATION AS ACTING SHIFT SUPERVISOR**

When a Sergeant is unavailable for duty as Shift Supervisor, in most instances the qualified officer shall be designated as acting Shift Supervisor. This policy does not preclude designating a less senior officer as an acting Shift Supervisor when operational needs require or training permits.

## Mobile Audio/Video

### 422.1 PURPOSE AND SCOPE

. See related Chief's General Order 14 Body Worn Camera. The term Body Worn Camera (BWC) and Mobile Video Recorder (MVR) are considered synonyms term for purposes of this policy. The MVR is designed to provide records of events and assist officers in the performance of their duties. This policy provides guidance on the use of these systems.

#### 422.1.1 DEFINITIONS

Definitions related to this policy include:

**Activate** - Any process that causes the MVR system to transmit or store video or audio data in an active mode.

**In-Car Camera System and Mobile Video Recorder (MVR)** - Synonymous terms which refer to any system that captures audio and video signals, that is capable of installation in a vehicle, and that includes at minimum, a camera, microphone, recorder and monitor.

**MVR Technician** - Personnel certified or trained in the operational use and repair of MVRs, duplicating methods, storage and retrieval methods and procedures, and who have working knowledge of video forensics and evidentiary procedures.

**Recorded media** - Audio-video signals recorded or digitally stored on a storage device or portable media.

### 422.2 POLICY

It is the policy of the Mount Healthy Police Department to use mobile video recording technology to more effectively fulfill the department's mission and to ensure these systems are used securely and efficiently.

### 422.3 OFFICER RESPONSIBILITIES

Prior to going into service, each officer will properly equip him/herself to record audio and video in the field. At the end of the shift, each officer will follow the established procedures for providing to the Department any recordings or used media and any other related equipment. Each officer should have adequate recording media for the entire duty assignment. In the event an officer works at a remote location and reports in only periodically, additional recording media may be issued. Only Mount Healthy Police Department-identified and labeled media with tracking numbers is to be used.

At the start of each shift, officers should test the MVR system's operation in accordance with manufacturer specifications and department operating procedures and training.

System documentation is accomplished by the officer recording his/her name, serial number, badge or PIN number and the current date and time at the start and again at the end of each shift. If the system is malfunctioning, the officer shall take the vehicle out of service unless a supervisor

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requests the vehicle remain in service. Either way, a blotter entry shall be completed documenting the malfunction and the associated car number.

#### **422.4 ACTIVATION OF THE MVR**

The MVR system is designed to turn on whenever the unit's emergency lights are activated. The system remains on until it is turned off manually. The audio portion is independently controlled and should be activated manually by the officer whenever appropriate. When audio is being recorded, the video will also record.

##### **422.4.1 REQUIRED ACTIVATION OF THE MVR**

This policy is not intended to describe every possible situation in which the MVR system may be used, although there are many situations where its use is appropriate. An officer may activate the system any time the officer believes its use would be appropriate and/or valuable to document an incident.

In some circumstances it is not possible to capture images of the incident due to conditions or the location of the camera. However, the audio portion can be valuable evidence and is subject to the same activation requirements as the MVR. The MVR system should be activated in any of the following situations:

- (a) All field contacts involving actual or potential criminal conduct within video or audio range:
  - 1. Traffic stops (to include, but not limited to, traffic violations, stranded motorist assistance and all crime interdiction stops)
  - 2. Priority responses
  - 3. Vehicle pursuits
  - 4. Suspicious vehicles
  - 5. Arrests
  - 6. Vehicle searches
  - 7. Physical or verbal confrontations or use of force
  - 8. Pedestrian checks
  - 9. OVI investigations including field sobriety tests
  - 10. Consensual encounters
  - 11. Crimes in progress
  - 12. Responding to an in-progress call
- (b) All self-initiated activity in which an officer would normally notify the Communications Center
- (c) Any call for service involving a crime where the recorder may aid in the apprehension and/or prosecution of a suspect:
  - 1. Family violence calls

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2. Disturbance of peace calls
  3. Offenses involving violence or weapons
- (d) Any other contact that becomes adversarial after the initial contact, in a situation that would not otherwise require recording
- (e) Any other circumstance where the officer believes that a recording of an incident would be appropriate

#### 422.4.2 CESSATION OF RECORDING

Once activated, the MVR system should remain on until the incident has concluded. For purposes of this section, conclusion of an incident has occurred when all arrests have been made, arrestees have been transported and all witnesses and victims have been interviewed. Recording may cease if an officer is simply waiting for a tow truck or a family member to arrive, or in other similar situations.

#### 422.4.3 WHEN ACTIVATION IS NOT REQUIRED

Activation of the MVR system is not required when exchanging information with other officers or during breaks, lunch periods, when not in service or actively on patrol.

No member of this department may surreptitiously record a conversation of any other member of this department except with a court order or when lawfully authorized by the Chief of Police or the authorized designee for the purpose of conducting a criminal or administrative investigation.

#### 422.4.4 SUPERVISOR RESPONSIBILITIES

Vehicles with non-functioning MVR systems shall remain in service due to the requirement of all officers to utilize body worn camera during all citizen contacts.

At reasonable intervals, supervisors should validate that:

- (a) Beginning and end-of-shift recording procedures are followed.
- (b) Logs reflect the proper chain of custody, including:
  1. The tracking number of the MVR system media.
  2. The date it was issued.
  3. The law enforcement operator or the vehicle to which it was issued.
  4. The date it was submitted.
  5. Law enforcement operators submitting the media.
  6. Holds for evidence indication and tagging as required.
- (c) The operation of MVR systems by new employees is assessed and reviewed no less than biweekly.

When an incident arises that requires the immediate retrieval of the recorded media (e.g., serious crime scenes, peace officer-involved shootings, department-involved collisions), a supervisor shall respond to the scene and ensure that the appropriate supervisor, MVR technician or crime scene

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investigator properly retrieves the recorded media. The media may need to be treated as evidence and should be handled in accordance with current evidence procedures for recorded media.

Supervisors may activate the MVR system remotely to monitor a developing situation, such as a chase, riot or an event that may threaten public safety, officer safety or both, when the purpose is to obtain tactical information to assist in managing the event. Supervisors shall not remotely activate the MVR system for the purpose of surveillance regarding the conversations or actions of an officer.

#### **422.5 REVIEW OF MVR RECORDINGS**

All recording media, recorded images and audio recordings are the property of the Department. Dissemination outside of the agency is strictly prohibited except to the extent permitted or required by law.

To prevent damage to, or alteration of, the original recorded media, it shall not be copied, viewed or otherwise inserted into any device not approved by the agency MVR technician. When reasonably possible, a copy of the original media shall be used for viewing (unless otherwise directed by the courts) to preserve the original media.

Recordings may be reviewed in any of the following situations:

- (a) For use when preparing reports or statements
- (b) By a supervisor investigating a specific act of officer conduct
- (c) By a supervisor to assess officer performance
- (d) To assess proper functioning of MVR systems
- (e) By department investigators who are participating in an official investigation, such as a personnel complaint, administrative inquiry or a criminal investigation
- (f) By department personnel who request to review recordings
- (g) By an officer who is captured on or referenced in the video or audio data and reviews and uses such data for any purpose relating to his/her employment
- (h) By court personnel through proper process or with permission of the Chief of Police or the authorized designee
- (i) By the media through proper process or with permission of the Chief of Police or the authorized designee
- (j) To assess possible training value
- (k) Recordings may be shown for training purposes. If an involved officer objects to showing a recording, his/her objection will be submitted to the Shift Supervisor to determine if the training value outweighs the officer's objection.

Employees desiring to view any previously uploaded or archived MVR recording should submit a request in writing to the Shift Supervisor. Approved requests should be forwarded to the MVR technician for processing.

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In no event shall any recording be used or shown for the purpose of ridiculing or embarrassing any employee.

#### **422.6 DOCUMENTING MVR USE**

If any incident is recorded with either the video or audio system, the existence of that recording shall be documented in the officer's report. If a citation is issued, the officer shall make a notation on the back of the records copy of the citation indicating that the incident was recorded.

#### **422.7 RECORDING MEDIA STORAGE AND INTEGRITY**

Once submitted for storage, all recording media will be labeled and stored in a designated secure area. All recording media that is not booked as evidence will be retained as required by the established records retention schedule.

##### **422.7.1 COPIES OF ORIGINAL RECORDING MEDIA**

Original recording media shall not be used for any purpose other than for initial review by a supervisor. Upon proper request, a copy of the original recording media will be made for use as authorized in this policy (ORC § 9.01).

Original recording media may only be released in response to a court order or upon approval by the Chief of Police or the authorized designee. In the event that an original recording is released to a court, a copy shall be made and placed in storage until the original is returned.

##### **422.7.2 MVR RECORDINGS AS EVIDENCE**

Officers who reasonably believe that an MVR recording is likely to contain evidence relevant to a criminal offense, potential claim against the officer or against the Mount Healthy Police Department should indicate this in an appropriate report. Officers should ensure relevant recordings are preserved.

#### **422.8 SYSTEM OPERATIONAL STANDARDS**

- (a) MVR system vehicle installations should be based on officer safety requirements and vehicle and device manufacturer recommendations.
- (b) The MVR system should be configured to minimally record for 30 seconds prior to an event.
- (c) The MVR system may not be configured to record audio data occurring prior to activation.
- (d) Unless the transmitters being used are designed for synchronized use, only one transmitter, usually the primary initiating officer's transmitter, should be activated at a scene to minimize interference or noise from other MVR transmitters.
- (e) Officers using digital transmitters that are individually synchronized to their individual MVR shall activate both audio and video recordings when responding in a support capacity. This is to obtain additional perspectives of the incident scene.

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- (f) With the exception of law enforcement radios or other emergency equipment, other electronic devices should not be used inside MVR-equipped vehicles to minimize the possibility of causing electronic or noise interference with the MVR system.
- (g) Officers shall not erase, alter, reuse, modify or tamper with MVR recordings. Only a supervisor, MVR technician or other approved designee may erase and reissue previous recordings and may only do so pursuant to the provisions of this policy.
- (h) To prevent damage, original recordings shall not be viewed on any equipment other than the equipment issued or authorized by the MVR technician.

#### **422.9 MVR TECHNICIAN RESPONSIBILITIES**

The MVR technician is responsible for:

- (a) Ordering, issuing, retrieving, storing, erasing and duplicating of all recorded media.
- (b) Collecting all completed media for oversight and verification of wireless downloaded media. Once collected, the MVR technician:
  - 1. Ensures it is stored in a secured location with authorized controlled access.
  - 2. Makes the appropriate entries in the chain of custody log.
- (c) Erasing of media:
  - 1. Pursuant to a court order.
  - 2. In accordance with established retention policies, including reissuing all other media deemed to be of no evidentiary value.
- (d) Assigning all media an identification number prior to issuance to the field.
  - 1. Maintaining a record of issued media.
- (e) Ensuring that an adequate supply of recording media is available.
- (f) Managing the long-term storage of media that has been deemed to be of evidentiary value in accordance with the department evidence storage protocols and records retention schedule.

#### **422.10 TRAINING**

Users of the MVR systems and supervisors shall successfully complete an approved course of instruction prior to being deployed with MVR systems.



## Mobile Data Computer Use

### 423.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for the proper access, use and application of the Mobile Data Computer (MDC) system in order to ensure appropriate access to confidential records from local, state and national law enforcement databases, and to ensure effective electronic communications between department members and the Communications Center.

### 423.2 POLICY

Mount Healthy Police Department members using the MDC shall comply with all appropriate federal and state rules and regulations and shall use the MDC in a professional manner, in accordance with this policy.

### 423.3 PRIVACY EXPECTATION

Members forfeit any expectation of privacy with regard to messages accessed, transmitted, received or reviewed on any department technology system (see the Information Technology Use Policy for additional guidance).

### 423.4 RESTRICTED ACCESS AND USE

MDC use is subject to the Information Technology Use and Protected Information policies.

Members shall not access the MDC system if they have not received prior authorization and the required training. Members shall immediately report unauthorized access or use of the MDC by another member to their supervisors or Shift supervisors.

Use of the MDC system to access law enforcement databases or transmit messages is restricted to official activities, business-related tasks and communications that are directly related to the business, administration or practices of the Department. In the event that a member has questions about sending a particular message or accessing a particular database, the member should seek prior approval from his/her supervisor.

Sending derogatory, defamatory, obscene, disrespectful, sexually suggestive, harassing or any other inappropriate messages on the MDC system is prohibited and may result in discipline.

It is a violation of this policy to transmit a message or access a law enforcement database under another member's name or to use the password of another member to log in to the MDC system unless directed to do so by a supervisor. Members are required to log off the MDC or secure the MDC when it is unattended. This added security measure will minimize the potential for unauthorized access or misuse.

#### 423.4.1 USE WHILE DRIVING

Use of the MDC by the vehicle operator should be limited to times when the vehicle is stopped. Information that is required for immediate enforcement, investigative, tactical or safety needs should be transmitted over the radio.

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In no case shall an operator attempt to send or review lengthy messages while the vehicle is in motion.

#### **423.5 DOCUMENTATION OF ACTIVITY**

Except as otherwise directed by the Shift Supervisor or other department-established protocol, all calls for service assigned by a dispatcher should be communicated by voice over the police radio and electronically via the MDC unless security or confidentiality prevents such broadcasting.

MDC and voice transmissions are used to document the member's daily activity. To ensure accuracy:

- (a) All contacts or activity shall be documented at the time of the contact.
- (b) Whenever the activity or contact is initiated by voice, it should be documented by a dispatcher.
- (c) Whenever the activity or contact is not initiated by voice, the member shall document it via the MDC.

##### **423.5.1 STATUS CHANGES**

All changes in status (e.g., arrival at scene, meal periods, in service) will be transmitted over the police radio or through the MDC system.

Members responding to in-progress calls should advise changes in status over the radio to assist other members responding to the same incident. Other changes in status can be made on the MDC when the vehicle is not in motion.

##### **423.5.2 EMERGENCY ACTIVATION**

If there is an emergency activation and the member does not respond to a request for confirmation of the need for emergency assistance or confirms the need, available resources will be sent to assist in locating the member. If the location is known, the nearest available officer should respond in accordance with the Officer Response to Calls Policy.

Members should ensure a field supervisor and the Shift Supervisor are notified of the incident without delay.

Officers not responding to the emergency shall refrain from transmitting on the police radio until a no-further-assistance broadcast is made or if they are also handling an emergency.

#### **423.6 EQUIPMENT CONSIDERATIONS**

##### **423.6.1 MALFUNCTIONING MDC**

Whenever possible, members will not use vehicles with malfunctioning MDCs. Whenever members must drive a vehicle in which the MDC is not working, they shall notify the Communications Center. It shall be the responsibility of the dispatcher to document all information that will then be transmitted verbally over the police radio. Malfunctioning MDC's shall be reported to the Shift Supervisor, a blotter entry made and an MDC Problem Log completed. The MDC along

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with the completed MDC Problem Log will be transported to RCIC by the first available officer during first shift.

#### 423.6.2 BOMB CALLS

When investigating reports of possible bombs, members should not communicate on their MDCs when in the evacuation area of a suspected explosive device. Radio frequency emitted by the MDC could cause some devices to detonate.

## Portable Audio/Video Recorders

### 424.1 PURPOSE AND SCOPE

This policy provides guidelines for the use of portable audio/video recording devices by members of this department while in the performance of their duties. Portable audio/video recording devices include all recording systems whether body-worn, hand held or integrated into portable equipment.

This policy does not apply to mobile audio/video recordings, interviews or interrogations conducted at any Mount Healthy Police Department facility, authorized undercover operations, wiretaps or eavesdropping (concealed listening devices).

#### 424.1.1 CERTIFICATION STANDARDS

This policy contains content that pertains to Ohio Collaborative Law Enforcement Agency Certification (OCLEAC) Standards.

[See attachment: OCLEAC Standards Compliance Checklist 5-19-2020.pdf](#)

#### 424.1.2 POLICE CHIEF'S GENERAL ORDER

See Police Chief's General Order 14-2015 - Body Worn Cameras

### 424.2 POLICY

The Mount Healthy Police Department provides members with audio/video portable recorders for use during the performance of their duties. The use of recorders is intended to enhance the mission of the Department by accurately capturing contacts between members of the Department and the public.

Operation and use of the BWC is mandatory for all employees working in a uniformed assignment as follows:

- 1.Regular On-duty assignments, including all officers except the Chief of Police.
- 2.Off-duty Details: All sworn personnel working an off duty detail (in the capacity of a law enforcement officer) will use a BWC.
- 3.Special events or any events deemed by the Chief of Police or designee.

See Chiefs General Order 14 Body Worn Cameras for additional instructions

### 424.3 MEMBER PRIVACY EXPECTATION

All recordings made by members on any department-issued device at any time, and any recording made while acting in an official capacity of this department, regardless of ownership of the device it was made on, shall remain the property of the Department. Members shall have no expectation of privacy or ownership interest in the content of these recordings. Employees of the City of Mt. Healthy are prohibited from using any device to record an administrator, a supervisor, another department/division representative, or a fellow employee without consent, except where provided

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#### *Portable Audio/Video Recorders*

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for by ordinance, City of Mt. Healthy policy and or procedure, or by specific departmental policy and or procefure. Before an form of recording may begin, the individual desiring to record a conversation or event must request consent to make the recording from the person(s) being recorded. Such consent must be granted in written form and signed by the individual(s) granting consent prior to the recording of the conversation or event. Any violation of these restrictions may result in discipline, up to and including discharge. See Sectopm 5.28 Mt. Healhty Personnel Policy.

#### **424.4 MEMBER RESPONSIBILITIES**

Prior to going into service, each uniformed member will be responsible for making sure that he/she is equipped with a portable recorder issued by the Department, and that the recorder is in good working order. If the recorder is not in working order or the member becomes aware of a malfunction at any time, the member shall promptly report the failure to his/her supervisor and BWC System Administrator and obtain a functioning device as soon as reasonably practicable. Uniformed members should wear the recorder in a conspicuous manner or otherwise notify persons that they are being recorded, whenever reasonably practicable.

Any member assigned to a non-uniformed position may carry an approved portable recorder at any time the member believes that such a device may be useful. Unless conducting a lawful recording in an authorized undercover capacity, non-uniformed members should wear the recorder in a conspicuous manner when in use or otherwise notify persons that they are being recorded, whenever reasonably practicable.

When using a portable recorder, the assigned member shall record his/her name, MHPD identification number and the current date and time at the beginning and the end of the shift or other period of use, regardless of whether any activity was recorded. This procedure is not required when the recording device and related software captures the user's unique identification and the date and time of each recording.

Members should document the existence of a recording in any report or other official record of the contact, including any instance where the recorder malfunctioned or the member deactivated the recording. Members should include the reason for deactivation. Members should also immediately notify a supervisor of a malfunction during an incident.

#### **424.5 ACTIVATION OF THE AUDIO/VIDEO RECORDER**

This policy is not intended to describe every possible situation in which the portable recorder should be used, although there are many situations where its use is appropriate. Members should activate the recorder any time the member believes it would be appropriate or valuable to record an incident.

The portable recorder should be activated prior to all citizen interactions or as soon as possible upon initiation of a citizen interaction, including in any of the following situations:

- (a) All enforcement and investigative contacts including stops and field interview (FI) situations

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- (b) Traffic stops including, but not limited to, traffic violations, stranded motorist assistance and all crime interdiction stops
- (c) Self-initiated activity in which an officer would normally notify the Communications Center
- (d) All foot and vehicle pursuits
- (e) All citations, arrests, confrontational citizens/suspects, uses of force, etc. including Miranda Warning
- (f) Any other contact that becomes adversarial after the initial contact in a situation that would not otherwise require recording

Members should remain sensitive to the dignity of all individuals being recorded and exercise sound discretion to respect privacy by discontinuing recording whenever it reasonably appears to the member that such privacy may outweigh any legitimate law enforcement interest in recording. Requests by members of the public to stop recording should be considered using this same criterion. Recording should resume when privacy is no longer at issue unless the circumstances no longer fit the criteria for recording.

At no time is a member expected to jeopardize his/her safety in order to activate a portable recorder, . however, the recorder should be activated in situations described above as soon as reasonably practicable.

#### 424.5.1 CESSATION OF RECORDING

Once activated, the portable recorder should remain on continuously until the member's direct participation in the incident is complete or the situation no longer fits the criteria for activation. In case of arrests, until the prisoner is secured by other authority. Recording may be stopped during significant periods of inactivity such as report writing or other breaks from direct participation in the incident, if the officer is not within sight or hearing of a suspect or witness.

#### 424.5.2 SURREPTITIOUS USE OF THE PORTABLE RECORDER

Ohio law permits an individual to surreptitiously record any conversation in which one party to the conversation has given his/her permission (ORC § 2933.52).

Members may surreptitiously record any conversation during the course of a criminal investigation in which the member reasonably believes that such a recording will be lawful and beneficial to the investigation.

Members shall not surreptitiously record another department member without a court order unless lawfully authorized by the Chief of Police or the authorized designee.

#### 424.5.3 EXPLOSIVE DEVICE

Many portable recorders, including body-worn cameras and audio/video transmitters, emit radio waves that could trigger an explosive device. Therefore, these devices should not be used where an explosive device may be present.

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#### **424.6 PROHIBITED USE OF PORTABLE RECORDERS**

Members are prohibited from using department-issued portable recorders and recording media for personal use and are prohibited from making personal copies of recordings created while on-duty or while acting in their official capacity.

Members are also prohibited from retaining recordings of activities or information obtained while on-duty, whether the recording was created with department-issued or personally owned recorders. Members shall not duplicate or distribute such recordings, except for authorized legitimate department business purposes. All such recordings shall be retained by the Department.

Members are prohibited from using personally owned recording devices while on-duty without the express consent of the Shift Supervisor. Any member who uses a personally owned recorder for department-related activities shall comply with the provisions of this policy, including retention and release requirements, and should notify the on-duty supervisor of such use as soon as reasonably practicable.

Recordings shall not be used by any member for the purpose of embarrassment, harassment or ridicule, nor during any strip search

#### **424.7 IDENTIFICATION AND PRESERVATION OF RECORDINGS**

To assist with identifying and preserving data and recordings, members should download, tag or mark these in accordance with procedure and document the existence of the recording in any related case report.

A member should transfer, tag or mark recordings when the member reasonably believes:

- (a) The recording contains evidence relevant to potential criminal, civil or administrative matters.
- (b) A complainant, victim or witness has requested non-disclosure per The Ohio Sunshine Laws.
- (c) A complainant, victim or witness has not requested non-disclosure but the disclosure of the recording may endanger the person.
- (d) Disclosure may be an unreasonable violation of someone's privacy.
- (e) Medical or mental health information is contained.
- (f) Disclosure may compromise an undercover officer or confidential informant.

Any time a member reasonably believes a recorded contact may be beneficial in a non-criminal matter (e.g., a hostile contact), the member should promptly notify a supervisor of the existence of the recording.

##### **424.7.1 RETENTION REQUIREMENTS**

All recordings shall be retained for a period consistent with the requirements of the organization's records retention schedule but in no event for a period less than 180 days. A Form RC-2 (Records Retention Schedule) was submitted to the Mt. Healthy Records Commission to change the schedule to 180 days.

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#### **424.8 REVIEW OF RECORDED MEDIA FILES**

When preparing written reports, members should review their recordings as a resource (see the Officer-Involved Shootings and Deaths Policy for guidance in those cases). However, members shall not retain personal copies of recordings. Members should not use the fact that a recording was made as a reason to write a less detailed report.

Supervisors are authorized to review relevant recordings any time they are investigating alleged misconduct or reports of meritorious conduct or whenever such recordings would be beneficial in reviewing the member's performance.

Recorded files may also be reviewed:

- (a) Upon approval by a supervisor, by any member of the Department who is participating in an official investigation, such as a personnel complaint, administrative investigation or criminal investigation.
- (b) Pursuant to lawful process or by court personnel who are otherwise authorized to review evidence in a related case.
- (c) By media personnel with permission of the Chief of Police or the authorized designee.
- (d) In compliance with a public records request, if permitted, and in accordance with the Records Maintenance and Release Policy.

All recordings should be reviewed by the Custodian of Records prior to public release (see the Records Maintenance and Release Policy). Recordings that unreasonably violate a person's privacy or sense of dignity should not be publicly released unless disclosure is required by law or order of the court.

At a minimum, during each quarter, each squad sergeant will randomly review ten minutes of each of the assigned officer's BWC recordings to ensure that the equipment is operating properly and that officers are using the devices appropriately and in accordance with policy and to identify areas in which additional training or guidance is required.

Supervisor Reviews will be documented on an Interdepartmental Correspondence and delivered to the Police Chief within thirty days of the end of each calendar quarter. If a possible disciplinary issue arises from the review, the Police Chief will determine if further investigation is necessary.

It is not the intent of the system to allow supervisors to conduct searches for unknown disciplinary issues. Use of the system in disciplinary investigations must be associated with a complaint or concern.

#### **424.9 SYSTEM ADMINISTRATOR**

The Chief of Police has designated a System Administrator responsible for:

- (a) Establishing procedures for the security, storage, maintenance, access, downloading, and review of data and recordings.
- (b) Establishing procedures for logging or auditing access, transferring, tagging and marking events, and documented review of recordings



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- (c) Establishing procedures for transferring, downloading, tagging or marking events.
- (d) Managing inventory, issuing devices, and updating device settings
- (e) Editing and/or deleting recordings of restricted/prohibited footage pursuant to direction from the Chief of Police or designee
- (f) Training members in the use

#### **424.10 RETENTION OF RECORDINGS**

All recordings shall be retained for a period consistent with the requirements of the organization's records retention schedule but in no event for a period less than 180 days.

##### **424.10.1 RELEASE OF AUDIO/VIDEO RECORDINGS**

Requests for the release of audio/video recordings shall be processed in accordance with the Records Maintenance and Release Policy.

#### **424.11 STATE CERTIFICATION TESTING / TRAINING**

Before using a portable audio/video recorder, all officers required to utilize the BWC will review this policy. Officers shall be required annually to read, sign and be tested on this policy.

#### **424.12 POLICY REVIEW**

Annually, the Chief of Police or the authorized designee shall conduct a review of this policy for best practice and compliance purposes.

#### **424.13 TRAINING**

Initially, at least annually, or more frequently upon any updates, sworn members of this department shall certify in writing, or acknowledge electronically, that they have received, read, and understand this policy.

## Public Recording of Law Enforcement Activity

### 425.1 PURPOSE AND SCOPE

This policy provides guidelines for handling situations in which members of the public photograph or audio/video record law enforcement actions and other public activities that involve members of this department. In addition, this policy provides guidelines for situations where the recordings may be evidence.

### 425.2 POLICY

The Mount Healthy Police Department recognizes the right of persons to lawfully record members of this department who are performing their official duties. Members of this department will not prohibit or intentionally interfere with such lawful recordings. Any recordings that are deemed to be evidence of a crime or relevant to an investigation will only be collected or seized lawfully.

Officers should exercise restraint and should not resort to highly discretionary arrests for offenses such as interference, failure to comply or disorderly conduct as a means of preventing someone from exercising the right to record members performing their official duties.

### 425.3 RECORDING LAW ENFORCEMENT ACTIVITY

Members of the public who wish to record law enforcement activities are limited only in certain aspects.

- (a) Recordings may be made from any public place or any private property where the individual has the legal right to be present.
- (b) Beyond the act of photographing or recording, individuals may not interfere with the law enforcement activity. Examples of interference include, but are not limited to:
  - 1. Tampering with a witness or suspect.
  - 2. Inciting others to violate the law.
  - 3. Being so close to the activity as to present a clear safety hazard to the officers.
  - 4. Being so close to the activity as to interfere with an officer's effective communication with a suspect or witness.
- (c) The individual may not present an undue safety risk to the officers, him/herself or others.

### 425.4 OFFICER RESPONSE

Officers should promptly request that a supervisor respond to the scene whenever it appears that anyone recording activities may be interfering with an investigation or it is believed that the recording may be evidence. If practicable, officers should wait for the supervisor to arrive before taking enforcement action or seizing any cameras or recording media.

Whenever practicable, officers or supervisors should give clear and concise warnings to individuals who are conducting themselves in a manner that would cause their recording or behavior to be unlawful. Accompanying the warnings should be clear directions on what an

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#### *Public Recording of Law Enforcement Activity*

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individual can do to be compliant; directions should be specific enough to allow compliance. For example, rather than directing an individual to clear the area, an officer could advise the person that he/she may continue observing and recording from the sidewalk across the street.

If an arrest or other significant enforcement activity is taken as the result of a recording that interferes with law enforcement activity, officers shall document in a report the nature and extent of the interference or other unlawful behavior and the warnings that were issued.

#### **425.5 SUPERVISOR RESPONSIBILITIES**

A supervisor should respond to the scene when requested or any time the circumstances indicate a likelihood of interference or other unlawful behavior.

The supervisor should review the situation with the officer and:

- (a) Request any additional assistance as needed to ensure a safe environment.
- (b) Take a lead role in communicating with individuals who are observing or recording regarding any appropriate limitations on their location or behavior. When practical, the encounter should be recorded.
- (c) When practicable, allow adequate time for individuals to respond to requests for a change of location or behavior.
- (d) Ensure that any enforcement, seizure or other actions are consistent with this policy and constitutional and state law.
- (e) Explain alternatives for individuals who wish to express concern about the conduct of Department members, such as how and where to file a complaint.

#### **425.6 SEIZING RECORDINGS AS EVIDENCE**

Officers should not seize recording devices or media unless (42 USC § 2000aa):

- (a) There is probable cause to believe the person recording has committed or is committing a crime to which the recording relates, and the recording is reasonably necessary for prosecution of the person.
  1. Absent exigency or consent, a warrant should be sought before seizing or viewing such recordings. Reasonable steps may be taken to prevent erasure of the recording.
- (b) There is reason to believe that the immediate seizure of such recordings is necessary to prevent serious bodily injury or death of any person.
- (c) The person consents.
  1. To ensure that the consent is voluntary, the request should not be made in a threatening or coercive manner.
  2. If the original recording is provided, a copy of the recording should be provided to the recording party, if practicable. The recording party should be permitted to be present while the copy is being made, if feasible. Another way to obtain the evidence is to transmit a copy of the recording from a device to a department-owned device.

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## *Public Recording of Law Enforcement Activity*

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Recording devices and media that are seized will be submitted within the guidelines of the Property and Evidence Policy.

## Bicycle Patrol

### 426.1 PURPOSE AND SCOPE

The Mount Healthy Police Department has established the Bicycle Patrol Unit for the purpose of enhancing patrol efforts in the community. Bicycle patrol has been shown to be an effective way to increase officer visibility in congested areas. A bicycle's quiet operation can provide a tactical approach to crimes in progress. The purpose of this policy is to provide guidelines for the safe and effective operation of the patrol bicycle.

### 426.2 POLICY

Patrol bicycles may be used for regular patrol duty, traffic enforcement, parking control or special events. Its mobility and visibility in the community are hallmarks of its usefulness.

Bicycles may be deployed to any area at all hours of the day or night, according to Department needs and as staffing levels allow.

Requests for specific deployment of bicycle patrol officers shall be coordinated through the Shift Supervisor.

### 426.3 SELECTION OF PERSONNEL

Interested personnel shall be evaluated by the following criteria:

- (a) Recognized competence and ability as evidenced by performance.
- (b) Good physical condition.
- (c) Willingness to perform duties using the bicycle as a mode of transportation.

#### 426.3.1 BICYCLE PATROL UNIT SUPERVISOR

The Bicycle Patrol Unit supervisor will be selected by the Patrol Sergeant or designee.

The Bicycle Patrol Unit supervisor shall have responsibility for the following:

- (a) Inspecting and maintaining inventory of patrol bicycles and program equipment.
- (b) Scheduling maintenance and repairs.
- (c) Evaluating the performance of bicycle officers.
- (d) Coordinating activities with the Patrol Section.
- (e) Inspecting and documenting annually that bicycles not in active service are in a serviceable condition.
- (f) Other activities as required to maintain the efficient operation of the unit.

### 426.4 TRAINING

Bicycle patrol training shall include the following:

- Bicycle patrol strategies
- Bicycle safety and accident prevention

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- Operational tactics using bicycles

#### **426.5 UNIFORMS AND EQUIPMENT**

Officers shall wear the Department-approved uniform and safety equipment while operating the department bicycle. Safety equipment includes department-approved helmet,, protective eyewear and approved footwear.

The bicycle patrol unit uniform consists of the standard short-sleeve uniform shirt or other department-approved shirt with department badge and patches, and department-approved bicycle patrol pants or shorts.

Optional equipment includes jackets in colder weather. Turtleneck shirts are permitted when worn under the uniform shirt.

Bicycle patrol officers shall carry the same equipment on the bicycle patrol duty belt as they would on a regular patrol assignment.

Officers will be responsible for obtaining the necessary forms, citation books and other department equipment needed while on bicycle patrol.

#### **426.6 CARE AND USE OF PATROL BICYCLES**

Officers will be assigned a specially marked and equipped patrol bicycle, attached gear bag and one battery. The battery will be returned to the charger located in the locker room after each shift or at the completion of bicycle patrol.

Bicycles utilized for uniformed bicycle patrol shall be primarily black or white with a "Police" decal affixed to each side of the crossbar or the bike's saddlebag. Every such bicycle shall be equipped with front and rear reflectors, front and rear lamps and a siren/horn. Lamps and reflectors must meet legal requirements.

Bicycles utilized for uniformed bicycle patrol shall be equipped with a rear rack and/or saddle bags sufficient to carry the necessary equipment for handling routine patrol calls, including report writing, vehicle storage and citations.

Each bicycle gear bag shall include a first aid kit, tire pump, repair tool, tire tube, and security lock. These items are to remain with/on the bicycle at all times.

Each bicycle shall be equipped with a steady or flashing blue warning light that is visible from the front, sides or rear of the bicycle.

Bicycle officers shall conduct an inspection of the bicycle and equipment prior to use to ensure proper working order of the equipment. Officers are responsible for the routine care and maintenance of their assigned equipment (e.g., tire pressure, chain lubrication, overall cleaning).

If a needed repair is beyond the ability of the bicycle officer, a repair work order will be completed and forwarded to the program supervisor for repair by an approved technician.

Each bicycle will have scheduled maintenance once yearly, to be performed by a repair shop/ technician that is approved by the Department.

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#### *Bicycle Patrol*

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At the end of a bicycle assignment, the bicycle shall be returned clean and ready for the next tour of duty.

Officers shall not modify the patrol bicycle, remove, modify or add components except with the express approval of the bicycle supervisor or in the event of an emergency.

Vehicle bicycle racks are available should the officer need to transport the patrol bicycle. Bicycle racks shall be installed on all vehicles equipped with a tow hitch from April through October.

Bicycles shall be properly secured when not in the officer's immediate presence.

#### **426.7 OFFICER RESPONSIBILITIES**

Officers should operate the bicycle in compliance with Ohio law unless their duties require otherwise. Officers may operate the bicycle without lighting equipment during hours of darkness only when it reasonably appears necessary for officer safety and tactical considerations. Officers must use caution and care when operating the bicycle without lighting equipment or in violation of routine rules of the road.

## Foot Pursuits

### 427.1 PURPOSE AND SCOPE

This policy provides guidelines to assist officers in making the decision to initiate or continue the pursuit of suspects on foot.

### 427.2 POLICY

It is the policy of this department that officers, when deciding to initiate or continue a foot pursuit, continuously balance the objective of apprehending the suspect with the risk and potential for injury to department members, the public or the suspect.

Officers are expected to act reasonably, based on the totality of the circumstances.

### 427.3 DECISION TO PURSUE

The safety of department members and the public should be the primary consideration when determining whether a foot pursuit should be initiated or continued. Officers must be mindful that immediate apprehension of a suspect is rarely more important than the safety of the public and department members.

Officers may be justified in initiating a foot pursuit of any individual that the officer reasonably believes is about to engage in, is engaging in or has engaged in criminal activity. The decision to initiate or continue such a foot pursuit, however, must be continuously reevaluated in light of the circumstances presented at the time.

Mere flight by a person who is not suspected of criminal activity alone shall not serve as justification for engaging in an extended foot pursuit without the development of reasonable suspicion regarding the individual's involvement in criminal activity or being wanted by law enforcement.

Deciding to initiate or continue a foot pursuit is a decision that an officer must make quickly and under unpredictable and dynamic circumstances. It is recognized that foot pursuits potentially place Department personnel and the public at significant risk. Therefore, no officer or supervisor shall be criticized or disciplined for deciding not to engage in a foot pursuit because of the perceived risk involved.

If circumstances reasonably permit, surveillance and containment are generally the safest tactics for apprehending fleeing persons. In deciding whether to initiate or continue a foot pursuit, an officer should continuously consider reasonable alternatives to pursuit based upon the circumstances and resources available, such as the following:

- (a) Containment of the area.
- (b) Saturation of the area with law enforcement personnel, including assistance from other agencies.
- (c) A canine search.
- (d) Thermal imaging or other sensing technology.
- (e) Air support.



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#### *Foot Pursuits*

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- (f) Apprehension at another time, when the identity of the suspect is known or there is information available that would likely allow for later apprehension, and the need to immediately apprehend the suspect does not reasonably appear to outweigh the risk of continuing the pursuit.

#### **427.4 GENERAL GUIDELINES**

Unless the officer reasonably believes that exigent circumstances exist (e.g. a serious threat to the safety of personnel or members of the public), officers should consider alternatives to engaging in or continuing a foot pursuit under the following conditions:

- (a) Directed by a supervisor to terminate the foot pursuit, such an order shall be considered mandatory.
- (b) The officer is acting alone.
- (c) Two or more officers become separated, lose visual contact with one another or obstacles separate them to the degree that they cannot immediately assist each other should a confrontation take place. In such circumstances, it is generally recommended that a single officer keep the suspect in sight from a safe distance and coordinate the containment effort.
- (d) The officer is unsure of his/her location and direction of travel.
- (e) The officer is pursuing multiple suspects and it is not reasonable to believe that the officer would be able to control the suspect should a confrontation occur.
- (f) The physical condition of the officers renders them incapable of controlling the suspect if apprehended.
- (g) The officer loses radio contact with the Communications Center or with backup officers.
- (h) The suspect enters a building, structure, confined space or a wooded or otherwise isolated area and there are insufficient officers to provide backup and containment. The primary officer should consider discontinuing the pursuit and coordinating containment pending the arrival of sufficient officers.
- (i) The officer becomes aware of unanticipated or unforeseen circumstances that unreasonably increase the risk to officers or the public.
- (j) The officer reasonably believes that the danger to the pursuing officers or public outweighs the objective of immediate apprehension.
- (k) The officer loses possession of his/her firearm or other essential equipment.
- (l) The officer or a third party is injured during the pursuit, requiring immediate assistance and there are no other emergency personnel available to render assistance.
- (m) The suspect's location is no longer known.
- (n) The identity of the suspect is established or other information exists that will allow for the suspect's apprehension at a later time, and it reasonably appears that there is no immediate threat to Department personnel or the public if the suspect is not immediately apprehended.

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- (o) The officer's ability to safely continue the pursuit is impaired by inclement weather, darkness or other conditions.

#### **427.5 RESPONSIBILITIES IN FOOT PURSUITS**

##### **427.5.1 INITIATING OFFICER RESPONSIBILITIES**

Unless relieved by another officer or a supervisor, the initiating officer shall be responsible for coordinating the progress of the pursuit. When acting alone and when practicable, the initiating officer should not attempt to overtake and confront the suspect but should attempt to keep the suspect in sight until sufficient officers are present to safely apprehend the suspect.

Early communication of available information from the involved officers is essential so that adequate resources can be coordinated and deployed to bring a foot pursuit to a safe conclusion. Officers initiating a foot pursuit should broadcast the following information as soon as it becomes practicable and available:

- (a) Location and direction of travel
- (b) Call sign identifier
- (c) Reason for the foot pursuit, such as the crime classification
- (d) Number of suspects and description, to include name if known
- (e) Whether the suspect is known or believed to be armed with a dangerous weapon

Officers should be mindful that radio transmissions made while running may be difficult to understand and may need to be repeated.

Absent extenuating circumstances, any officer unable to promptly and effectively broadcast this information should terminate the pursuit. If the foot pursuit is discontinued for any reason, immediate efforts for containment should be implemented and alternatives considered based upon the circumstances and available resources.

When a foot pursuit terminates, the officer will notify the Communications Center of his/her location and the status of the pursuit termination (e.g., suspect in custody, lost sight of suspect), and will direct further actions as reasonably appear necessary.

##### **427.5.2 ASSISTING OFFICER RESPONSIBILITIES**

Whenever any officer announces that he/she is engaged in a foot pursuit, all other officers should minimize nonessential radio traffic to permit the involved officers maximum access to the radio frequency.

##### **427.5.3 SUPERVISOR RESPONSIBILITIES**

Upon becoming aware of a foot pursuit, the supervisor shall make every reasonable effort to ascertain sufficient information to direct responding resources and to take command, control and coordination of the foot pursuit. The supervisor should respond to the area whenever reasonably possible. The supervisor does not, however, need to be physically present to exercise control over

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the pursuit. The supervisor should continuously assess the situation in order to ensure the foot pursuit is conducted within established Department guidelines.

The supervisor should terminate the foot pursuit when the danger to pursuing officers or the public appears to unreasonably outweigh the objective of immediate apprehension of the suspect.

Upon apprehension of the suspect, the supervisor should promptly proceed to the termination point to direct the post-pursuit activity.

#### **427.5.4 THE COMMUNICATIONS CENTER RESPONSIBILITIES**

Upon notification or becoming aware that a foot pursuit is in progress, the dispatcher is responsible for:

- (a) Clearing the radio channel of non-emergency traffic.
- (b) Coordinating pursuit communications of the involved officers.
- (c) Broadcasting pursuit updates as well as other pertinent information as necessary.
- (d) Notifying the Shift Supervisor as soon as practicable.
- (e) Notifying and coordinating with other involved or affected agencies as practicable.

#### **427.6 REPORTING REQUIREMENTS**

The initiating officer shall complete appropriate crime/arrest reports documenting, at a minimum:

- (a) Date and time of the foot pursuit.
- (b) Initial reason and circumstances surrounding the foot pursuit.
- (c) Course and approximate distance of the foot pursuit.
- (d) Alleged offenses.
- (e) Involved vehicles and officers.
- (f) Whether a suspect was apprehended as well as the means and methods used.
  - 1. Any use of force shall be reported and documented in compliance with the Use of Force Policy.
- (g) Arrestee information, if applicable.
- (h) Any injuries and/or medical treatment.
- (i) Any property or equipment damage.
- (j) Name of the supervisor at the scene or who handled the incident.

Assisting officers taking an active role in the apprehension of the suspect shall complete supplemental reports as necessary or as directed.

The supervisor reviewing the report will make a preliminary determination that the pursuit appears to be in compliance with this policy or that additional review and/or follow-up is warranted.

## Automated License Plate Readers (ALPR)

### 428.1 PURPOSE AND SCOPE

Automated License Plate Reader (ALPR) technology, also known as License Plate Recognition, provides automated detection of license plates. ALPRs are used by the Mount Healthy Police Department to convert data associated with vehicle license plates for official law enforcement purposes, including identifying stolen or wanted vehicles, stolen license plates and missing persons. The ALPR may also be used to gather information related to active warrants, homeland security, electronic surveillance, suspect interdiction and stolen property recovery.

### 428.2 ADMINISTRATION OF ALPR DATA

All installation and maintenance of ALPR equipment, as well as ALPR data retention and access, shall be managed by the Administration Sergeant. The Administration Sergeant will assign personnel under his/her command to administer the day-to-day operation of the ALPR equipment and data.

### 428.3 ALPR OPERATION

Use of an ALPR is restricted to the purposes outlined below. Department personnel shall not use, or allow others to use, the equipment or database records for any unauthorized purpose.

- (a) An ALPR shall only be used for official and legitimate law enforcement business.
- (b) An ALPR may be used in conjunction with any patrol operation or official Department investigation. Reasonable suspicion or probable cause is not necessary before using ALPR.
- (c) While an ALPR may be used to canvass license plates around any crime scene, particular consideration should be given to using ALPR-equipped cars to canvass areas around homicides, shootings and other major incidents. Partial license plates reported during major crimes should be entered into the ALPR system in an attempt to identify suspect vehicles.
- (d) No member of this department shall operate ALPR equipment or access ALPR data without first completing department-approved training.
- (e) If practicable, the officer should verify an ALPR response through RCIC / LEADS before taking enforcement action that is based solely upon an ALPR alert.
- (f) No ALPR operator may access Regional Crime Information Center (RCIC) or Ohio Law Enforcement Automated Data System (LEADS) data unless otherwise authorized to do so.

### 428.4 ALPR DATA COLLECTION AND RETENTION

All data and images gathered by an ALPR are for the official use of the Mount Healthy Police Department. Because such data may contain confidential information RCIC / LEADS data is not open to public review. ALPR information gathered and retained by this department may be used and shared with prosecutors or others only as permitted by law.

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### **428.5 ACCOUNTABILITY AND SAFEGUARDS**

The Mount Healthy Police Department will observe the following safeguards regarding access to and use of stored data:

- (a) Persons approved to access ALPR data are permitted to access the data for legitimate law enforcement purposes only, such as when the data relate to a specific criminal investigation or department-related civil or administrative action.
- (b) Such ALPR data may be released to other authorized and verified law enforcement officials and agencies at any time for legitimate law enforcement purposes.
- (c)

## Homeless Persons

### 429.1 PURPOSE AND SCOPE

The purpose of this policy is to ensure that personnel understand the needs and rights of the homeless and to establish procedures to guide officers during all contacts with the homeless, whether consensual or for enforcement purposes. The Mount Healthy Police Department recognizes that members of the homeless community are often in need of special protection and services. The Mount Healthy Police Department will address these needs in balance with the overall mission of this department. Therefore, officers will consider the following policy when serving the homeless community.

#### 429.1.1 POLICY

It is the policy of the Mount Healthy Police Department to provide law enforcement services to all members of the community while protecting the rights, dignity and private property of the homeless. Homelessness is not a crime and members of this department will not use homelessness solely as a basis for detention or law enforcement action.

### 429.2 HOMELESS COMMUNITY LIAISON

The Chief of Police will designate a member of this department to act as the homeless liaison officer. The responsibilities of the homeless liaison officer include:

- (a) Maintaining and making available to all Department employees a list of assistance programs and other resources that are available to the homeless.
- (b) Meeting with social services and representatives of other organizations that render assistance to the homeless.
- (c) Maintaining a list of the areas within and near this jurisdiction that are used as frequent homeless encampments.
- (d) Remaining abreast of laws dealing with the removal and/or destruction of the personal property of the homeless. This will include:
  1. Proper posting of notices of trespass and clean-up operations.
  2. Proper retention of property after clean-up, to include procedures for owners to reclaim their property in accordance with the Property Procedures Policy and other established procedures.
- (e) Be present during any clean-up operation conducted by this department involving the removal of personal property of the homeless to ensure the rights of the homeless are not violated.
- (f) Develop training to assist officers in understanding current legal and social issues relating to the homeless.

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#### **429.3 FIELD CONTACTS**

Officers are encouraged to contact the homeless for purposes of rendering aid, support and for community-oriented policing purposes. Nothing in this policy is meant to dissuade an officer from taking reasonable enforcement action when facts support a reasonable suspicion of criminal activity. However, when encountering a homeless person who has committed a nonviolent misdemeanor and continued freedom is not likely to result in a continuation of the offense or a breach of the peace, officers are encouraged to consider long-term solutions to problems that may relate to the homeless, such as shelter referrals and counseling in lieu of physical arrest.

Officers should provide homeless persons with resource and assistance information whenever it is reasonably apparent such services may be appropriate.

##### **429.3.1 OTHER CONSIDERATIONS**

Homeless members of the community will receive the same level and quality of service provided to other members of our community. The fact that a victim or witness is homeless can, however, require special considerations for a successful investigation and prosecution. Officers should consider the following when handling investigations involving homeless victims, witnesses or suspects:

- (a) Document alternate contact information. This may include obtaining addresses and telephone numbers of relatives and friends.
- (b) Document places the homeless person may frequent.
- (c) Provide homeless victims with victim/witness resources when appropriate.
- (d) Obtain statements from all available witnesses in the event a homeless victim is unavailable for a court appearance.
- (e) Consider whether the person may be a dependent adult or elder and if so proceed in accordance with the Vulnerable Adult Abuse Policy.
- (f) Arrange for transportation for investigation-related matters, such as medical exams and court appearances.
- (g) Consider whether a crime should be reported and submitted for prosecution even when a homeless victim indicates he/she does not desire prosecution.

#### **429.4 PERSONAL PROPERTY**

The personal property of homeless persons must not be treated differently than the property of other members of the public. Officers should use reasonable care when handling, collecting and retaining the personal property of homeless persons and should not destroy or discard the personal property of a homeless person.

When a homeless person is arrested or otherwise removed from a public place, officers should make reasonable accommodations to permit the person to lawfully secure his/her personal property. Otherwise, the arrestee's personal property should be collected for safekeeping. If the arrestee has more personal property than can reasonably be collected and transported by the

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officer, a supervisor should be consulted. The property should be photographed and measures should be taken to remove or secure the property. It will be the supervisor's responsibility to coordinate the removal and safekeeping of the property.

Officers should not conduct or assist in clean-up operations of belongings that reasonably appear to be the property of homeless persons without the prior authorization of a supervisor or the Department homeless liaison Officer. When practicable, requests by the public for clean-up operations of a homeless encampment should be referred to the homeless liaison Officer.

Officers who encounter unattended encampments, bedding or other personal property in public areas that reasonably appears to belong to a homeless person should not remove or destroy such property and should inform the Department homeless liaison Officer if such property appears to involve a trespass, blight to the community or is the subject of a complaint. It will be the responsibility of the homeless liaison Officer to address the matter in a timely fashion.

#### **429.5 MENTAL ILLNESSES AND MENTAL IMPAIRMENTS**

Some homeless persons may suffer from a mental illness or a mental impairment. Officers shall not detain a homeless person for an emergency admission to a mental health facility unless facts and circumstances warrant such a detention.

When a mental illness hold is not warranted, the contacting officer should provide the homeless person with contact information for mental health assistance as appropriate. In these circumstances, officers may provide transportation to a mental health specialist if requested by the person and approved by a supervisor.

#### **429.6 ECOLOGICAL ISSUES**

Sometimes homeless encampments can affect the ecology and natural resources of the community and may involve criminal offenses beyond mere littering. Officers are encouraged to notify other appropriate agencies or departments when a significant impact to the environment has or is likely to occur. Significant impacts to the environment may warrant a crime report, investigation, supporting photographs and supervisor notification.



## First Amendment Assemblies

### 430.1 PURPOSE AND SCOPE

This policy provides guidance for responding to public assemblies or demonstrations.

### 430.2 POLICY

The Mount Healthy Police Department respects the rights of people to peaceably assemble. It is the policy of this department not to unreasonably interfere with, harass, intimidate or discriminate against persons engaged in the lawful exercise of their rights, while also preserving the peace, protecting life and preventing the destruction of property.

### 430.3 GENERAL CONSIDERATIONS

Individuals or groups present on the public way, such as public facilities, streets or walkways, generally have the right to assemble, rally, demonstrate, protest or otherwise express their views and opinions through varying forms of communication, including the distribution of printed matter. These rights may be limited by laws or ordinances regulating such matters as the obstruction of individual or vehicle access or egress, trespass, noise, picketing, distribution of handbills and leafleting, and loitering. However, officers shall not take action or fail to take action based on the opinions being expressed.

Participant behavior during a demonstration or other public assembly can vary. This may include, but is not limited to:

- Lawful, constitutionally protected actions and speech.
- Civil disobedience (typically involving minor criminal acts).
- Rioting.

All of these behaviors may be present during the same event. Therefore, it is imperative that law enforcement actions are measured and appropriate for the behaviors officers may encounter. This is particularly critical if force is being used. Adaptable strategies and tactics are essential. The purpose of a law enforcement presence at the scene of public assemblies and demonstrations should be to preserve the peace, to protect life and prevent the destruction of property.

Officers should not:

- (a) Engage in assembly or demonstration-related discussion with participants.
- (b) Harass, confront or intimidate participants.
- (c) Seize the cameras, cell phones or materials of participants or observers unless an officer is placing a person under lawful arrest.

Supervisors should continually observe department members under their commands to ensure that members' interaction with participants and their response to crowd dynamics is appropriate.

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##### **430.3.1 PHOTOGRAPHS AND VIDEO RECORDINGS**

Photographs and video recording, when appropriate, can serve a number of purposes, including support of criminal prosecutions by documenting criminal acts; assistance in evaluating department performance; serving as training material; recording the use of dispersal orders; and facilitating a response to allegations of improper law enforcement conduct.

Photographs and videos will not be used or retained for the sole purpose of collecting or maintaining information about the political, religious or social views of associations, or the activities of any individual, group, association, organization, corporation, business or partnership, unless such information directly relates to an investigation of criminal activities and there is reasonable suspicion that the subject of the information is involved in criminal conduct.

##### **430.4 UNPLANNED EVENTS**

When responding to an unplanned or spontaneous public gathering, the first responding officer should conduct an assessment of conditions, including, but not limited to, the following:

- Location
- Number of participants
- Apparent purpose of the event
- Leadership (whether it is apparent and/or whether it is effective)
- Any initial indicators of unlawful or disruptive activity
- Indicators that lawful use of public facilities, streets or walkways will be impacted
- Ability and/or need to continue monitoring the incident

Initial assessment information should be promptly communicated to the Communications Center, and the assignment of a supervisor should be requested. Additional resources should be requested as appropriate. The responding supervisor shall assume command of the incident until command is expressly assumed by another, and the assumption of command is communicated to the involved members. A clearly defined command structure that is consistent with the Incident Command System (ICS) should be established as resources are deployed.

##### **430.5 PLANNED EVENT PREPARATION**

For planned events, comprehensive, incident-specific operational plans should be developed. The ICS should be considered for such events.

##### **430.5.1 INFORMATION GATHERING AND ASSESSMENT**

In order to properly assess the potential impact of a public assembly or demonstration on public safety and order, relevant information should be collected and vetted. This may include:

- Information obtained from outreach to group organizers or leaders.
- Information about past and potential unlawful conduct associated with the event or similar events.

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- The potential time, duration, scope, and type of planned activities.
- Any other information related to the goal of providing a balanced response to criminal activity and the protection of public safety interests.

Information should be obtained in a transparent manner, and the sources documented. Relevant information should be communicated to the appropriate parties in a timely manner.

Information will be obtained in a lawful manner and will not be based solely on the purpose or content of the assembly or demonstration, or actual or perceived characteristics such as race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, economic status, age, cultural group, or disability of the participants (or any other characteristic that is unrelated to criminal conduct or the identification of a criminal subject).

#### 430.5.2 OPERATIONAL PLANS

An operational planning team with responsibility for event planning and management should be established. The planning team should develop an operational plan for the event.

The operational plan will minimally provide for:

- (a) Command assignments, chain of command structure, roles and responsibilities.
- (b) Staffing and resource allocation.
- (c) Management of criminal investigations.
- (d) Designation of uniform of the day and related safety equipment (e.g., helmets, shields).
- (e) Deployment of specialized resources.
- (f) Event communications and interoperability in a multijurisdictional event.
- (g) Liaison with demonstration leaders and external agencies.
- (h) Liaison with City government and legal staff.
- (i) Media relations.
- (j) Logistics: food, fuel, replacement equipment, duty hours, relief and transportation.
- (k) Traffic management plans.
- (l) First aid and emergency medical service provider availability.
- (m) Prisoner transport and detention.
- (n) Review of policies regarding public assemblies and use of force in crowd control.
- (o) Parameters for declaring an unlawful assembly.
- (p) Arrest protocol, including management of mass arrests.
- (q) Protocol for recording information flow and decisions.
- (r) Rules of engagement, including rules of conduct, protocols for field force extraction and arrests, and any authorization required for the use of force.
- (s) Protocol for handling complaints during the event.

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- (t) Parameters for the use of body-worn cameras and other portable recording devices.

#### 430.5.3 MUTUAL AID AND EXTERNAL RESOURCES

The magnitude and anticipated duration of an event may necessitate interagency cooperation and coordination. The assigned Incident Commander should ensure that any required memorandums of understanding or other agreements are properly executed, and that any anticipated mutual aid is requested and facilitated (see the Outside Agency Assistance Policy).

#### 430.6 UNLAWFUL ASSEMBLY DISPERSAL ORDERS

If a public gathering or demonstration remains peaceful and nonviolent, and there is no reasonably imminent threat to persons or property, the Incident Commander should generally authorize continued monitoring of the event.

Should the Incident Commander make a determination that public safety is presently or is about to be jeopardized, he/she or the authorized designee should attempt to verbally persuade event organizers or participants to disperse of their own accord. Warnings and advisements may be communicated through established communications links with leaders and/or participants or to the group.

When initial attempts at verbal persuasion are unsuccessful, the Incident Commander or the authorized designee should make a clear standardized announcement to the gathering that the event is an unlawful assembly, and should order the dispersal of the participants. The announcement should be communicated by whatever methods are reasonably available to ensure that the content of the message is clear and that it has been heard by the participants. The announcement should be amplified, made in different languages as appropriate, made from multiple locations in the affected area and documented by audio and video. The announcement should provide information about what law enforcement actions will take place if illegal behavior continues and should identify routes for egress. A reasonable time to disperse should be allowed following a dispersal order.

#### 430.7 USE OF FORCE

Use of force is governed by current department policy and applicable law (see the Use of Force, Handcuffing and Restraints, Control Devices and Techniques, and Conducted Energy Device policies).

Individuals refusing to comply with lawful orders (e.g., nonviolent refusal to disperse) should be given a clear verbal warning and a reasonable opportunity to comply. If an individual refuses to comply with lawful orders, the Incident Commander shall evaluate the type of resistance and adopt a reasonable response in order to accomplish the law enforcement mission (such as dispersal or arrest of those acting in violation of the law). Control devices and conducted energy devices should be considered only when the participants' conduct reasonably appears to present the potential to harm officers, themselves or others, or will result in substantial property loss or damage (see the Control Devices and Techniques and the Conducted Energy Device policies).

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Force or control devices, including oleoresin capsaicin (OC), should be directed toward individuals and not toward groups or crowds, unless specific individuals cannot reasonably be targeted due to extreme circumstances, such as a riotous crowd.

Any use of force by a member of this department shall be documented promptly, completely, and accurately in an appropriate report. The type of report required may depend on the nature of the incident.

#### **430.8 ARRESTS**

The Mount Healthy Police Department should respond to unlawful behavior in a manner that is consistent with the operational plan. If practicable, warnings or advisements should be communicated prior to arrest.

Mass arrests should be employed only when alternate tactics and strategies have been, or reasonably appear likely to be, unsuccessful. Mass arrests shall only be undertaken upon the order of the Incident Commander or the authorized designee. There must be probable cause for each arrest.

If employed, mass arrest protocols should fully integrate:

- (a) Reasonable measures to address the safety of officers and arrestees.
- (b) Dedicated arrest, booking and report writing teams.
- (c) Timely access to medical care.
- (d) Timely access to legal resources.
- (e) Timely processing of arrestees.
- (f) Full accountability for arrestees and evidence.
- (g) Coordination and cooperation with the prosecuting authority, jail and courts (see the Citation Releases Policy).

#### **430.9 MEDIA RELATIONS**

The Public Information Officer should use all available avenues of communication, including press releases, briefings, press conferences and social media to maintain open channels of communication with media representatives and the public about the status and progress of the event, taking all opportunities to reassure the public about the professional management of the event (see the Media Relations Policy).

#### **430.10 DEMOBILIZATION**

When appropriate, the Incident Commander or the authorized designee should implement a phased and orderly withdrawal of law enforcement resources. All relieved personnel should promptly complete any required reports, including use of force reports, and account for all issued equipment and vehicles to their supervisors prior to returning to normal operational duties.

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#### **430.11 POST EVENT**

The Incident Commander should designate a member to assemble full documentation of the event, to include the following:

- (a) Operational plan
- (b) Any incident logs
- (c) Any assignment logs
- (d) Vehicle, fuel, equipment and supply records
- (e) Incident, arrest, use of force, injury and property damage reports
- (f) Photographs, audio/video recordings, the Communications Center records/tapes
- (g) Media accounts (print and broadcast media)

##### **430.11.1 AFTER-ACTION REPORTING**

The Incident Commander should work with City legal counsel, as appropriate, to prepare a comprehensive after-action report of the event, explaining all incidents where force was used including the following:

- (a) Date, time and description of the event
- (b) Actions taken and outcomes (e.g., injuries, property damage, arrests)
- (c) Problems identified
- (d) Significant events
- (e) Recommendations for improvement; opportunities for training should be documented in a generic manner, without identifying individuals or specific incidents, facts or circumstances.

#### **430.12 TRAINING**

Department members should receive periodic training regarding this policy, as well as the dynamics of crowd control and incident management. The Department should, when practicable, train with its external and mutual aid partners.

## Civil Disputes

### 431.1 PURPOSE AND SCOPE

This policy provides members of the Mount Healthy Police Department with guidance for addressing conflicts between persons when no criminal investigation or enforcement action is warranted (e.g., civil matters), with the goal of minimizing any potential for violence or criminal acts.

The Domestic Violence Policy will address specific legal mandates related to domestic violence court orders. References in this policy to “court orders” apply to any order of a court that does not require arrest or enforcement by the terms of the order or by Ohio law.

### 431.2 POLICY

The Mount Healthy Police Department recognizes that a law enforcement presence at a civil dispute can play an important role in the peace and safety of the community. Subject to available resources, members of this department will assist at the scene of civil disputes with the primary goal of safeguarding persons and property, preventing criminal activity and maintaining the peace. When handling civil disputes, members will remain impartial, maintain a calm presence, give consideration to all sides and refrain from giving legal or inappropriate advice.

### 431.3 GENERAL CONSIDERATIONS

When appropriate, members handling a civil dispute should encourage the involved parties to seek the assistance of resolution services or take the matter to the civil courts. Members must not become personally involved in disputes and shall at all times remain impartial.

While not intended to be an exhaustive list, members should give considerations to the following when handling civil disputes:

- (a) Civil disputes tend to be confrontational and members should be alert that they can escalate to violence very quickly. De-escalation techniques should be used when appropriate.
- (b) Members should not dismiss alleged or observed criminal violations as a civil matter and should initiate the appropriate investigation and report when criminal activity is apparent.
- (c) Members shall not provide legal advice, however, when appropriate, members should inform the parties when they are at risk of violating criminal laws.
- (d) Members are reminded that they shall not enter a residence or other non-public location without legal authority including valid consent.
- (e) Members should not take an unreasonable amount of time assisting in these matters and generally should contact a supervisor if it appears that peacekeeping efforts longer than 30 minutes are warranted.

### 431.4 COURT ORDERS

Disputes involving court orders can be complex. Where no mandate exists for an officer to make an arrest for a violation of a court order, the matter should be addressed by documenting any apparent

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court order violation in a report. If there appears to be a more immediate need for enforcement action, the investigating officer should consult a supervisor prior to making any arrest.

If a person appears to be violating the terms of a court order but is disputing the validity of the order or its applicability, the investigating officer should document the following:

- (a) The person's knowledge of the court order or whether proof of service exists.
- (b) Any specific reason or rationale the involved person offers for not complying with the terms of the order.

A copy of the court order should be attached to the report when available. The report should be forwarded to the appropriate prosecutor. The report should also be forwarded to the court issuing the order with a notice that the report was also forwarded to the prosecutor for review.

#### **431.4.1 STANDBY REQUESTS**

Officers responding to a call for standby assistance to retrieve property should meet the person requesting assistance at a neutral location to discuss the process. The person should be advised that items that are disputed will not be allowed to be removed. The member may advise the person to seek private legal advice as to the distribution of disputed property.

Members should accompany the person to the location of the property. Members should ask if the other party will allow removal of the property or whether the other party would remove the property.

If the other party is uncooperative, the person requesting standby assistance should be instructed to seek private legal advice and obtain a court order to obtain the items. Officers should not order the other party to allow entry or the removal of any items. If there is a restraining or similar order against the person requesting standby assistance, that person should be asked to leave the scene or they may be subject to arrest for violation of the order.

If the other party is not present at the location, the member will not allow entry into the location or the removal of property from the location.

#### **431.5 VEHICLES AND PERSONAL PROPERTY**

Officers may be faced with disputes regarding possession or ownership of vehicles or other personal property. Officers may review documents provided by parties or available databases (e.g., vehicle registration), but should be aware that legal possession of vehicles or personal property can be complex. Generally, officers should not take any enforcement action unless a crime is apparent. The people and the vehicle or personal property involved should be identified and the incident documented.

#### **431.6 REAL PROPERTY**

Disputes over possession or occupancy of real property (e.g., land, homes, apartments) should generally be handled through a person seeking a court order.



# Suspicious Activity Reporting

## 432.1 PURPOSE AND SCOPE

This policy provides guidelines for reporting and investigating suspicious and criminal activity.

### 432.1.1 DEFINITIONS

Definitions related to this policy include:

**Involved party** - An individual who has been observed engaging in suspicious activity, as defined in this policy, when no definitive criminal activity can be identified, thus precluding the person's identification as a suspect.

**Suspicious activity** - Any reported or observed activity that a member reasonably believes may have a nexus to any criminal act or attempted criminal act, or to foreign or domestic terrorism. Actual or perceived characteristics such as race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, economic status, age, cultural group, or disability should not be considered as factors that create suspicion (although these factors may be used as specific suspect descriptions). Examples of suspicious activity may include but are not limited to:

- Suspected pre-operational surveillance or intelligence gathering (e.g., photographing security features, asking questions about sensitive security-related subjects).
- Tests of security measures and response to incidents (e.g., "dry run," creating false alarms, attempts to enter secure areas without authorization).
- Suspicious purchases (e.g., purchasing large quantities of otherwise legal items, such as fertilizer, that could be used to create an explosive or other dangerous device).
- An individual in possession of such things as a hoax explosive or dispersal device, sensitive materials (e.g., passwords, access codes, classified government information), or coded or ciphered literature or correspondence.

**Suspicious Activity Report (SAR)** - An incident report used to document suspicious activity.

## 432.2 POLICY

The Mount Healthy Police Department recognizes the need to protect the public from criminal conduct and acts of terrorism and shall lawfully collect, maintain and disseminate information regarding suspicious activities, while safeguarding civil liberties and privacy protections.

## 432.3 RESPONSIBILITIES

The Investigation Sergeant and authorized designees will manage SAR activities. Authorized designees should include supervisors who are responsible for department participation in criminal intelligence systems as outlined in the Criminal Organizations Policy.

The responsibilities of the Investigation Sergeant include, but are not limited to:

- (a) Remaining familiar with those databases available to the Department that would facilitate the purpose of this policy.

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#### *Suspicious Activity Reporting*

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- (b) Maintaining adequate training in the area of intelligence gathering to ensure no information is being maintained that would violate the law or civil rights of any individual.
- (c) Ensuring a process is available that would allow members to report relevant information. The process should be designed to promote efficient and quick reporting, and should not be cumbersome, duplicative or complicated.
- (d) Ensuring that members are made aware of the purpose and value of documenting information regarding suspicious activity, as well as the databases and other information resources that are available to the Department.
- (e) Ensuring that SAR information is appropriately disseminated to members in accordance with their job responsibilities.
- (f) Coordinating investigative follow-up, if appropriate.
- (g) Coordinating with any appropriate agency or fusion center.
- (h) Ensuring that, as resources are available, the Department conducts outreach that is designed to encourage members of the community to report suspicious activity and that outlines what they should look for and how they should report it (e.g., website, public service announcements).

#### **432.4 REPORTING AND INVESTIGATION**

Any department member receiving information regarding suspicious activity should take any necessary immediate and appropriate action, including a request for tactical response or immediate notification of specialized entities, when applicable. Any civilian member who receives such information should ensure that it is passed on to an officer in a timely manner.

If the suspicious activity is not directly related to a reportable crime, the member should prepare a SAR and include information about involved parties and the circumstances of the incident. If, during any investigation, an officer becomes aware of suspicious activity that is unrelated to the current investigation, the information should be documented separately in a SAR and not included in the original incident report. The report number of the original incident should be included in the SAR as a cross reference. A SAR should be processed as any other incident report.

#### **432.5 HANDLING INFORMATION**

The Police Clerk will forward copies of SARs, in a timely manner, to the following:

- Investigation Section supervisor
- Crime Analysis Unit
- Other authorized designees

## Medical Aid and Response

### 433.1 PURPOSE AND SCOPE

This policy recognizes that members often encounter persons in need of medical aid and establishes a law enforcement response to such situations.

### 433.2 POLICY

It is the policy of the Mount Healthy Police Department that all officers and other designated members be trained to provide emergency medical aid and to facilitate an emergency medical response.

### 433.3 FIRST RESPONDING MEMBER RESPONSIBILITIES

Whenever practicable, members should take appropriate steps to provide initial medical aid (e.g., first aid, CPR, use of an automated external defibrillator (AED)) in accordance with their training and current certification levels. This should be done for those in need of immediate care and only when the member can safely do so.

Prior to initiating medical aid, the member should contact the Communications Center and request response by Emergency Medical Services (EMS) as the member deems appropriate.

Members should follow universal precautions when providing medical aid, such as wearing gloves and avoiding contact with bodily fluids, consistent with the Communicable Diseases Policy. Members should use a barrier or bag device to perform rescue breathing.

When requesting EMS, the member should provide the Communications Center with information for relay to EMS personnel in order to enable an appropriate response, including:

- (a) The location where EMS is needed.
- (b) The nature of the incident.
- (c) Any known scene hazards.
- (d) Information on the person in need of EMS, such as:
  1. Signs and symptoms as observed by the member.
  2. Changes in apparent condition.
  3. Number of patients, sex and age, if known.
  4. Whether the person is conscious, breathing and alert, or is believed to have consumed drugs or alcohol.
  5. Whether the person is showing signs or symptoms of extreme agitation or is engaging in violent irrational behavior accompanied by profuse sweating, extraordinary strength beyond their physical characteristics, and imperviousness to pain.

Members should stabilize the scene whenever practicable while awaiting the arrival of EMS.

Members should not direct EMS personnel whether to transport the person for treatment.

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#### **433.4 TRANSPORTING ILL AND INJURED PERSONS**

Except in exceptional cases where alternatives are not reasonably available, members should not transport persons who are unconscious, who have serious injuries, or who may be seriously ill. EMS personnel should be called to handle patient transportation.

Officers should search any person who is in custody before releasing that person to EMS for transport.

An officer should accompany any person in custody during transport in an ambulance when requested by EMS personnel, when it reasonably appears necessary to provide security, when it is necessary for investigative purposes, or when so directed by a supervisor.

Members should not provide emergency escort for medical transport or civilian vehicles.

#### **433.5 PERSONS REFUSING EMS CARE**

If a person who is not in custody refuses EMS care or refuses to be transported to a medical facility, an officer shall not force that person to receive care or be transported. However, members may assist EMS personnel when EMS personnel determine the person lacks the mental capacity to understand the consequences of refusing medical care or to make an informed decision and the lack of immediate medical attention may result in serious bodily injury or the death of the person.

In cases where mental illness may be a factor, the officer should consider proceeding with a civil commitment in accordance with the Civil Commitments Policy.

If an officer believes that a person who is in custody requires EMS care and the person refuses, he/she should encourage the person to receive medical treatment. The officer may also consider contacting a family member to help persuade the person to agree to treatment or who may be able to authorize treatment for the person.

If the person who is in custody still refuses, the officer will require the person to be transported to the nearest medical facility. In such cases, the officer should consult with a supervisor prior to the transport.

Members shall not sign refusal-for-treatment forms or forms accepting financial responsibility for treatment.

#### **433.6 MEDICAL ATTENTION RELATED TO USE OF FORCE**

Specific guidelines for medical attention for injuries sustained from a use of force may be found in the Use of Force, Handcuffing and Restraints, Control Devices and Techniques, and Conducted Energy Device policies.

#### **433.7 AIR AMBULANCE**

Generally, when on-scene, EMS personnel will be responsible for determining whether an air ambulance response should be requested. An air ambulance may be appropriate when there are victims with life-threatening injuries or who require specialized treatment (e.g., gunshot wounds, burns, obstetrical cases), and distance or other known delays will affect the EMS response.

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The Patrol Sergeant should develop guidelines for air ambulance landings or enter into local operating agreements for the use of air ambulances, as applicable. In creating those guidelines, the Department should identify:

- Responsibility and authority for designating a landing zone and determining the size of the landing zone.
- Responsibility for securing the area and maintaining that security once the landing zone is identified.
- Consideration of the air ambulance provider's minimum standards for proximity to vertical obstructions and surface composition (e.g., dirt, gravel, pavement, concrete, grass).
- Consideration of the air ambulance provider's minimum standards for horizontal clearance from structures, fences, power poles, antennas or roadways.
- Responsibility for notifying the appropriate highway or transportation agencies if a roadway is selected as a landing zone.
- Procedures for ground personnel to communicate with flight personnel during the operation.

One department member at the scene should be designated as the air ambulance communications contact. Headlights, spotlights and flashlights should not be aimed upward at the air ambulance. Members should direct vehicle and pedestrian traffic away from the landing zone.

Members should follow these cautions when near an air ambulance:

- Never approach the aircraft until signaled by the flight crew.
- Always approach the aircraft from the front.
- Avoid the aircraft's tail rotor area.
- Wear eye protection during landing and take-off.
- Do not carry or hold items, such as IV bags, above the head.
- Ensure that no one smokes near the aircraft.

#### **433.8 AUTOMATED EXTERNAL DEFIBRILLATOR (AED) USE**

A member should use an AED only after the member has received the required training (ORC § 3701.85).

##### **433.8.1 AED USER RESPONSIBILITY**

Members who are issued AEDs for use in department vehicles should check the AED at the beginning of the shift to ensure it is properly charged and functioning. Any AED that is not functioning properly will be taken out of service and given to the Police Chief who is responsible for ensuring appropriate maintenance.

Following use of an AED, the device shall be cleaned and/or decontaminated as required. The electrodes and/or pads will be replaced as recommended by the AED manufacturer.

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Any member who uses an AED shall contact the Communications Center as soon as possible and request response by EMS (ORC § 3701.85).

#### 433.8.2 AED REPORTING

Any member using an AED will complete an incident report detailing its use.

#### 433.8.3 AED TRAINING AND MAINTENANCE

The Police Chief should ensure appropriate training, that includes training in CPR and AED use, is provided to members authorized to use an AED (ORC § 3701.85).

The Police Chief is responsible for ensuring AED devices are appropriately maintained and tested consistent with the manufacturer's guidelines, and will retain records of all maintenance and testing in accordance with the established records retention schedule (ORC § 3701.85).

### **433.9 ADMINISTRATION OF OPIOID OVERDOSE MEDICATION**

The Patrol Sergeant may authorize the acquisition of opioid overdose medication as provided in ORC § 2925.61 for use by members. The Police Chief is responsible for the storage, maintenance, control and general oversight of the opioid overdose medication acquired by the Department.

Members who have completed opioid administration training may administer opioid overdose medication to a person experiencing an opioid-related overdose (ORC § 2925.61; ORC § 3707.561; ORC § 4731.941).

#### 433.9.1 OPIOID OVERDOSE MEDICATION USER RESPONSIBILITIES

Members who are qualified to administer opioid overdose medication, such as naloxone, should handle, store and administer the medication consistent with their training. Members should check the medication and associated administration equipment at the beginning of their shift to ensure they are serviceable and not expired. Any expired medication or unserviceable administration equipment should be removed from service and given to the Police Chief.

Any member who administers an opioid overdose medication should contact the Communications Center as soon as possible and request response by EMS.

#### 433.9.2 OPIOID OVERDOSE MEDICATION REPORTING

Any member administering opioid overdose medication should detail its use in an appropriate report. This report can be found on the RCIC page and will require the officer to send a copy to the Hamilton County Heroin Coalition.

#### 433.9.3 OPIOID OVERDOSE MEDICATION TRAINING

The Police Chief should ensure training is provided to members authorized to administer opioid overdose medication.

### **433.10 SICK OR INJURED ARRESTEE**

If an arrestee appears ill or injured, or claims illness or injury, he/she should be medically cleared prior to booking. If the officer has reason to believe the arrestee is feigning injury or illness, the

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officer should contact a supervisor, who will determine whether medical clearance will be obtained prior to booking.

If the jail or detention facility refuses to accept custody of an arrestee based on medical screening, the officer should note the name of the facility person refusing to accept custody and the reason for refusal, and should notify a supervisor to determine the appropriate action.

Arrestees who appear to have a serious medical issue should be transported by ambulance. Officers shall not transport an arrestee to a hospital without a supervisor's approval.

Nothing in this section should delay an officer from requesting EMS when an arrestee reasonably appears to be exhibiting symptoms that appear to be life threatening, including breathing problems or an altered level of consciousness, or is claiming an illness or injury that reasonably warrants an EMS response in accordance with the officer's training.

#### **433.11 FIRST AID TRAINING**

Subject to available resources, the Police Chief should ensure officers receive periodic first aid training appropriate for their position.

## Crisis Intervention Incidents

### 434.1 PURPOSE AND SCOPE

This policy provides guidelines for interacting with those who may be experiencing a mental health or emotional crisis. Interaction with such individuals has the potential for miscommunication and violence. It often requires an officer to make difficult judgments about a person's mental state and intent in order to effectively and legally interact with the individual.

#### 434.1.1 DEFINITIONS

Definitions related to this policy include:

**Person in crisis** - A person whose level of distress or mental health symptoms have exceeded the person's internal ability to manage his/her behavior or emotions. A crisis can be precipitated by any number of things, including an increase in the symptoms of mental illness despite treatment compliance; non-compliance with treatment, including a failure to take prescribed medications appropriately; or any other circumstance or event that causes the person to engage in erratic, disruptive or dangerous behavior that may be accompanied by impaired judgment.

### 434.2 POLICY

The Mount Healthy Police Department is committed to providing a consistently high level of service to all members of the community and recognizes that persons in crisis may benefit from intervention. The Department will collaborate, where feasible, with mental health professionals to develop an overall intervention strategy to guide its members' interactions with those experiencing a mental health crisis. This is to ensure equitable and safe treatment of all involved.

### 434.3 SIGNS

Members should be alert to any of the following possible signs of mental health issues or crises:

- (a) A known history of mental illness
- (b) Threats of or attempted suicide
- (c) Loss of memory
- (d) Incoherence, disorientation or slow response
- (e) Delusions, hallucinations, perceptions unrelated to reality or grandiose ideas
- (f) Depression, pronounced feelings of hopelessness or uselessness, extreme sadness or guilt
- (g) Social withdrawal
- (h) Manic or impulsive behavior, extreme agitation, lack of control
- (i) Lack of fear
- (j) Anxiety, aggression, rigidity, inflexibility or paranoia

Members should be aware that this list is not exhaustive. The presence or absence of any of these should not be treated as proof of the presence or absence of a mental health issue or crisis.



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#### **434.4 COORDINATION WITH MENTAL HEALTH PROFESSIONALS**

If an incident involving a mentally ill person occurs in Hamilton County, officers will provide access to University of Cincinnati Medical Center for adults in the manner described. The officer shall complete the Application for Emergency Admission & Statement of Belief which shall include the circumstances under which the individual was taken into custody and reason for the person's belief that hospitalization is necessary. This form will allow a medical professional to examine the person to evaluate their mental health. If the medical professional deems it necessary, the individual will be placed on a 72-hour hold.

For mental health calls that do not rise to the level of transporting to University of Cincinnati Medical Center or jail an officer may call the Mobile Crisis Unit to respond to the scene, speak with the person in the mental health crisis.

Mentally ill juveniles are transported to Cincinnati Children's Hospital by the Mt. Healthy Life Squad. If the juvenile is displaying behavior that is violent and/or turbulent the officer can either self transport or ride along with the life squad to the hospital.

##### **434.4.1 GUIDELINES FOR CONTACT INVOLVING PERSONS WITH MENTAL ILLNESS**

Officers having contact with mentally ill persons while on patrol and during interviews and interrogations shall demonstrate professionalism and courtesy, as well as officer safety.

If no criminal offense has occurred a person believed to be a mentally ill person subject to hospitalization by court order may be taken into custody without being placed under criminal arrest. The officer should attempt to establish rapport with the person and take them into custody in the least conspicuous manner possible. However, officer safety should always be considered and never be sacrificed to achieve rapport. The officer taking custody shall inform the mentally ill person of his/her name and rank with the Mt. Healthy Police Department. The mentally ill person shall be informed that they are not under arrest and that they are being taken for examination by a mental health professional at a specified mental health facility. [ORC 5122.10]

If the mentally ill person is injured or thought to have a medical problem, including a drug overdose, the subject shall be transported to an University of Cincinnati Medical Center by ambulance. In such cases, an officer shall accompany the ambulance to the hospital.

If the mentally ill person is not injured and does not have a medical problem, they shall be transported to the hospital by the officer and secured as follows:

- If the mentally ill person is violent, shall be restrained securely but not in a manner that may tend to cause harm to the prisoner. The supervisor may authorize a second officer to assist the transporting officer by either following the vehicle or riding inside the transport vehicle.
- When it appears that the mentally ill person's violent or turbulent behavior may constitute a risk of harm to them or others, the mentally ill person may be transported on a stretcher in an EMS vehicle. The officer must ride in the EMS vehicle. This method of transportation should be used when no other method is feasible.

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If the person believed to be mentally ill has committed a crime, officers are encouraged to consider alternatives to arrest, however, this policy is not intended to prohibit officers from arresting and incarcerating mentally ill persons. Mt. Healthy Police Officers acting within the scope of his/her employment will use only the force necessary to accomplish lawful objectives. Persons thought to be mentally ill who are being arrested and incarcerated shall be secured and transported to the jail via normal transport procedures. The officer will document on the jail commitment form any information pertaining to the person's mental health.

#### 434.4.2 INTERVIEWS AND INTERROGATIONS

- (a) Officers are required to provide Miranda Warnings when conducting custodial interviews, and shall ensure that Miranda rights waivers are made knowingly, intelligently and voluntarily.
- (b) If officers interview or interrogate such persons as suspects, witnesses or victims, those officers should observe the following in order to obtain valid information;
  - i. Do not interpret the lack of eye contact and strange actions or responses as indications of deceit, deception or evasion of questions;
  - ii. Use simple, straightforward questions;
  - iii. Recognize that persons with a mental illness may be easily manipulated and highly suggestible.

#### 434.4.3 ENTRY LEVEL TRAINING

Entry level training regarding mentally ill persons will be conducted as part of the Field Training Program for all police officers. The training will be documented in the Field Training Officer Manual. Civilian employees shall be trained during the probationary phase of employment. Sworn personnel shall attend Crisis Intervention Training as directed. A record of all such training will be documented and retained.

#### 434.4.4 ANNUAL REFRESHER TRAINING

Refresher training will be conducted at least annually for all agency personnel. A record of such training will be documented and retained.

#### **434.5 FIRST RESPONDERS**

Safety is a priority for first responders. It is important to recognize that individuals under the influence of alcohol, drugs or both may exhibit symptoms that are similar to those of a person in a mental health crisis. These individuals may still present a serious threat to officers; such a threat should be addressed with reasonable tactics. Nothing in this policy shall be construed to limit an officer's authority to use reasonable force when interacting with a person in crisis.

Officers are reminded that mental health issues, mental health crises and unusual behavior alone are not criminal offenses. Individuals may benefit from treatment as opposed to incarceration.

An officer responding to a call involving a person in crisis should:

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- (a) Promptly assess the situation independent of reported information and make a preliminary determination regarding whether a mental health crisis may be a factor.
- (b) Request available backup officers and specialized resources as deemed necessary and, if it is reasonably believed that the person is in a crisis situation, use conflict resolution and de-escalation techniques to stabilize the incident as appropriate.
- (c) If feasible, and without compromising safety, turn off flashing lights, bright lights or sirens.
- (d) Attempt to determine if weapons are present or available.
- (e) Take into account the person's mental and emotional state and potential inability to understand commands or to appreciate the consequences of his/her action or inaction, as perceived by the officer.
- (f) Secure the scene and clear the immediate area as necessary.
- (g) Employ tactics to preserve the safety of all participants.
- (h) Determine the nature of any crime.
- (i) Request a supervisor, as warranted.
- (j) Evaluate any available information that might assist in determining cause or motivation for the person's actions or stated intentions.
- (k) If circumstances reasonably permit, consider and employ alternatives to force.

#### **434.6 DE-ESCALATION**

Officers should consider that taking no action or passively monitoring the situation may be the most reasonable response to a mental health crisis.

Once it is determined that a situation is a mental health crisis and immediate safety concerns have been addressed, responding members should be aware of the following considerations and should generally:

- Evaluate safety conditions.
- Introduce themselves and attempt to obtain the person's name.
- Be patient, polite, calm, courteous and avoid overreacting.
- Speak and move slowly and in a non-threatening manner.
- Moderate the level of direct eye contact.
- Remove distractions or disruptive people from the area.
- Demonstrate active listening skills (e.g., summarize the person's verbal communication).
- Provide for sufficient avenues of retreat or escape should the situation become volatile.

Responding officers generally should not:

- Use stances or tactics that can be interpreted as aggressive.

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- Allow others to interrupt or engage the person.
- Corner a person who is not believed to be armed, violent or suicidal.
- Argue, speak with a raised voice or use threats to obtain compliance.

#### **434.7 INCIDENT ORIENTATION**

When responding to an incident that may involve mental illness or a mental health crisis, the officer should request that the dispatcher provide critical information as it becomes available. This includes:

- (a) Whether the person relies on drugs or medication, or may have failed to take his/her medication.
- (b) Whether there have been prior incidents, suicide threats/attempts, and whether there has been previous police response.
- (c) Contact information for a treating physician or mental health professional.

Additional resources and a supervisor should be requested as warranted.

#### **434.8 SUPERVISOR RESPONSIBILITIES**

A supervisor should respond to the scene of any interaction with a person in crisis. Responding supervisors should:

- (a) Attempt to secure appropriate and sufficient resources.
- (b) Closely monitor any use of force, including the use of restraints, and ensure that those subjected to the use of force are provided with timely access to medical care (see the Handcuffing and Restraints Policy).
- (c) Consider strategic disengagement. Absent an imminent threat to the public and, as circumstances dictate, this may include removing or reducing law enforcement resources or engaging in passive monitoring.
- (d) Ensure that all reports are completed and that incident documentation uses appropriate terminology and language.
- (e) Conduct an after-action tactical and operational debriefing, and prepare an after-action evaluation of the incident to be forwarded to the Sergeant.
- (f) Evaluate whether a critical incident stress management debriefing for involved members is warranted.

#### **434.9 INCIDENT REPORTING**

Members engaging in any oral or written communication associated with a mental health crisis should be mindful of the sensitive nature of such communications and should exercise appropriate discretion when referring to or describing persons and circumstances.

Members having contact with a person in crisis should keep related information confidential, except to the extent that revealing information is necessary to conform to department reporting procedures or other official mental health or medical proceedings.

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##### 434.9.1 DIVERSION

Individuals who are not being arrested should be processed in accordance with the Civil Commitments Policy

#### **434.10 CIVILIAN INTERACTION WITH PEOPLE IN CRISIS**

Civilian members may be required to interact with persons in crisis in an administrative capacity, such as dispatching, records request, and animal control issues.

- (a) Members should treat all individuals equally and with dignity and respect.
- (b) If a member believes that he/she is interacting with a person in crisis, he/she should proceed patiently and in a calm manner.
- (c) Members should be aware and understand that the person may make unusual or bizarre claims or requests.

If a person's behavior makes the member feel unsafe, if the person is or becomes disruptive or violent, or if the person acts in such a manner as to cause the member to believe that the person may be harmful to him/herself or others, an officer should be promptly summoned to provide assistance.

#### **434.11 EVALUATION**

The Sergeant designated to coordinate the crisis intervention strategy for this department should ensure that a thorough review and analysis of the department response to these incidents is conducted annually. The report will not include identifying information pertaining to any involved individuals, officers or incidents and will be submitted to the Chief of Police through the chain of command.

#### **434.12 TRAINING**

In coordination with the mental health community and appropriate stakeholders, the Department will develop and provide comprehensive education and training to all department members to enable them to effectively interact with persons in crisis (ORC § 109.742).

##### 434.12.1 REFRESHER TRAINING

The Crisis Intervention Incident policy will be reviewed by all sworn-personnel on an annual basis.

## Medical Marijuana

### 435.1 PURPOSE AND SCOPE

The purpose of this policy is to provide members of this department with guidelines for investigating the acquisition, possession, transportation, delivery, production, or use of marijuana under Ohio's medical marijuana laws.

#### 435.1.1 DEFINITIONS

Definitions related to this policy include:

**Medical marijuana** - Can include any of the following marijuana products obtained from a licensed dispensary (ORC § 3796.06; OAC § 3796:8-2-01):

- (a) Oil, tincture, capsule, or edible forms
- (b) Metered oil or solid preparation for vaporization
- (c) Patches for transdermal administration or lotions, creams, or ointments for topical administration
- (d) Plant material

**Registry identification card** - A card issued by the State of Ohio Board of Pharmacy as evidence that an individual is registered as a patient or caregiver (OAC § 3796:7-1-01).

### 435.2 POLICY

It is the policy of the Mount Healthy Police Department to prioritize resources to avoid making arrests related to marijuana that the arresting officer reasonably believes would not be prosecuted by state or federal authorities.

Ohio's medical marijuana laws are intended to provide protection from prosecution to those who use, possess, administer, or cultivate marijuana to mitigate the symptoms of certain chronic or debilitating medical conditions. However, Ohio medical marijuana laws do not affect federal laws and there is no medical exception under federal law for the possession or distribution of marijuana. The Mount Healthy Police Department will exercise discretion to ensure laws are appropriately enforced without unreasonably burdening both those individuals protected under Ohio law and the resources of the Department.

### 435.3 INVESTIGATION

Investigations involving the possession, delivery, production, or use of marijuana generally fall into one of several categories:

- (a) Investigations when no person makes a medicinal claim
- (b) Investigations involving a registered patient
- (c) Investigations involving a caretaker

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##### 435.3.1 INVESTIGATIONS WITH NO MEDICAL CLAIM

In any investigation involving the possession, delivery, production, or use of marijuana or drug paraphernalia where no person claims that the marijuana is used for medicinal purposes, the officer should proceed with a criminal investigation. A medicinal claim may be raised at any time, so officers should document any statements and observations that may be relevant to whether the marijuana was possessed or produced for medicinal purposes.

##### 435.3.2 INVESTIGATIONS INVOLVING A REGISTERED PATIENT

Officers should not arrest or take enforcement action against registered patients who (ORC § 3796.22):

- (a) Obtain, use, or possess a quantity of medical marijuana allowed under OAC § 3796:8-2-04.
- (b) Possess any permissible paraphernalia or accessories associated with medical marijuana.

Patients who do not have a registry identification card in their possession should not be arrested when investigation supports a reasonable belief that the person is a registered patient.

##### 435.3.3 INVESTIGATIONS INVOLVING A CAREGIVER

Officers should not arrest or take enforcement action against registered caregivers who (ORC § 3796.23):

- (a) Obtain or possess a quantity of medical marijuana allowed under OAC § 3796:8-2-04.
- (b) Possess any permissible paraphernalia or accessories associated with medical marijuana.

Caregivers who do not have a registry identification card in their possession should not be arrested when investigation supports a reasonable belief that the person is a registered caregiver.

##### 435.3.4 ADDITIONAL CONSIDERATIONS

Officers should consider the following when investigating an incident involving marijuana possession, delivery, production, or use:

- (a) The State of Ohio Board of Pharmacy may enter into reciprocity agreements with other states to allow their medical marijuana patient registration to be recognized in Ohio (ORC § 3796.16).
- (b) Because enforcement of medical marijuana laws can be complex, time-consuming, and can call for resources unavailable at the time of initial investigation, officers may consider submitting a report to the prosecutor for review, in lieu of making an arrest. This can be particularly appropriate when:
  - 1. The suspect has been identified and can be easily located at another time.
  - 2. The case would benefit from review by a person with expertise in medical marijuana investigations.

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3. Sufficient evidence, such as photographs or samples, have been lawfully obtained.
  4. Any other relevant factors exist, such as limited available department resources and time constraints.
- (c) A person's status as a registered patient or caregiver is not a sufficient basis for conducting a field sobriety test. To conduct any field sobriety test, a law enforcement officer must have an independent, factual basis giving reasonable suspicion that the person was operating a vehicle under the influence of marijuana or with a prohibited concentration of marijuana in the person's whole blood, blood serum, plasma, breath, or urine (ORC § 3796.24).
- (d) Before proceeding with enforcement related to medical marijuana cultivators, processors, laboratories that test medical marijuana, and retail dispensaries, officers should consider conferring with appropriate legal counsel, the Ohio Department of Commerce, and/or the State of Ohio Board of Pharmacy.
- (e) Patients and caregivers shall not cultivate medical marijuana or manufacture medical marijuana extract unless specifically licensed to do so (OAC § 3796:7-2-05).

#### 435.3.5 EXCEPTIONS

This policy does not apply to the following offenses. Officers may take enforcement action if the person:

- (a) Operates a vehicle, streetcar, trackless trolley, watercraft, or aircraft while under the influence of medical marijuana (ORC § 3796.22; OAC § 3796:7-2-05).
- (b) Uses, possesses, or administers medical marijuana on federal land or in other prohibited areas (ORC § 3796.24; OAC § 3796:7-2-05).

#### **435.4 FEDERAL LAW ENFORCEMENT**

Officers should provide information regarding a marijuana investigation to federal law enforcement authorities when it is requested by federal law enforcement authorities or whenever the officer believes those authorities would have a particular interest in the information.

#### **435.5 EVIDENCE**

##### 435.5.1 MEMBER RESPONSIBILITIES

The investigating member should notify the receiving Property Management member in writing when marijuana may be the subject of a medical claim.

##### 435.5.2 PROPERTY BUREAU SUPERVISOR RESPONSIBILITIES

The Property Management supervisor should ensure that marijuana, drug paraphernalia, or other related property seized from a person engaged or assisting in the use of medical marijuana is not destroyed. The Property Management supervisor is not responsible for caring for live marijuana plants.



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Upon the prosecutor's decision to forgo prosecution, or the dismissal of charges or an acquittal, the Property Management supervisor should, as soon as practicable, return to the person from whom it was seized any usable marijuana, plants, drug paraphernalia, or other related property.

The Property Management supervisor should not destroy marijuana that was alleged to be for medical purposes except upon receipt of a court order.

The Property Management supervisor may release marijuana to federal law enforcement authorities upon presentation of a valid court order or by a written order of the Investigation Section supervisor.

# Continuity of Operations Plan

## 436.1 PURPOSE AND SCOPE

The purpose of this document is to outline the procedures for implementing the Mt. Healthy Police Department's Continuity of Operations (COOP) plan. These procedures are applicable to any individuals who play a role in implementing the MHPD COOP plan.

## 436.2 STEPS FOR IMPLEMENTATION

1. The Chief of Police, or his or her designee, will identify the need for continuity of operations and activate the continuity capability, as appropriate.\*Note: If it is outside the traditional Monday through Friday 8:00 a.m. until 4:00 p.m. timeframe, the Operations Commander, his or her designee, based upon contact with the on-duty shift supervisor on site may activate the continuity capability, as appropriate.
  - (a) The Chief of Police, or his or her designee, will ensure notification is sent to all employees using the internal notification system which is currently through Rave Notification System. This activation may be completed by the on-duty police clerk. If there is no police clerk on duty, the notification request will be made by requesting the Hamilton County Communication Center to make notification through the RAVE Notification System. \*Note: If it is outside the traditional Monday through Friday 8:00 a.m. until 4:00 p.m. timeframe, the Operations Commander or his/her designee, based upon contact with the on-duty shift supervisor on site may activate the continuity capability, as appropriate
  - (b) The Chief of Police, or his or her designee, will inform the City Manager or his or her designee, of the disaster/emergency and any impacts to the Police Department using day-to-day notification methods.
  - (c) The onsite shift supervisor, or his or her designee, will account for all on-duty agency personnel. The onsite shift supervisor, or his or her designee, will gather and convey the basic dynamics of the disaster or emergency to the Operations Commander or his/her designee. Information should include:
    - Disaster or emergency type;
    - Location and area of impact;
    - Determination if agency assets have been impacted;
    - Determination if any agency personnel have been injured;
    - Determine the size of personnel to be called in if necessary;
    - Determine who will make the notification request;
    - Determine the location of the assembly area.
2. The Chief of Police, with support from the Police Department Continuity Manager, and other Command Staff personnel will determine necessary actions to ensure continuity of operations and manage its implementation and operation. \*Note: If it is outside the traditional Monday through Friday 8:00 a.m. until 4:00 p.m. timeframe, the Operations

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Commander or his or her designee, may initially determine necessary actions to take. Actions to consider include:

- Utilizing lines of succession to fill a leadership position.
  - Transitioning to an alternate facility.
  - Using alternate locations or methods for critical systems and resources to perform essential functions.
  - Taking measures to safeguard and access critical applications and vital records.
  - Redirecting essential personnel, as appropriate to perform essential functions.
3. The Continuity Manager, or his/her designee will verify that all appropriate agency members necessary for the disaster or emergency have been notified and their response status is accounted for.
  4. All continuity personnel will support continuity of operations and the performance of essential functions.
  5. The Chief of Police, or his/her designee, will establish and maintain regular communication with his or her appropriate supervisors, other HCCC staff, County leadership, stakeholders, suppliers, and/or the Hamilton County Emergency Operations Center as appropriate.
  6. The Chief of Police, or his or her designee, will monitor disruptions to Police Department operations, evaluate the need for continuity of operations, and will oversee and lead the reconstitution effort.

#### **436.3 ACTIONS TO CONSIDER BASED ON THE INCIDENT**

- As appropriate, lines of succession will be utilized to fill a management or leadership position when current leadership is unavailable to perform their responsibilities or is incapacitated.
- As appropriate, transition to the alternate site.
- As appropriate, support some essential functions using telework.

## Chapter 5 - Traffic Operations

## Traffic Function and Responsibility

### 500.1 PURPOSE AND SCOPE

The goal of traffic law enforcement is to reduce traffic collisions and improve the safety and quality of life for the community through traffic law compliance. This may be achieved through the application of such techniques as geographic/temporal assignment of personnel and equipment and the establishment of preventive patrols to deal with specific categories of unlawful driving behavior. Traffic enforcement techniques are based on collision data, enforcement activity records, traffic volume and traffic conditions. This department provides enforcement efforts toward violations, not only in proportion to the frequency of their occurrence in collision situations but also in terms of traffic-related needs. Department members will review and apply when needed the directives contained within the following Chief's General Orders: CGO8 Towing, Impounding, Moving and Forfeiture, CCO23 Traffic Enforcement, CGO40, LEADS, RCIC, and NCIC Access, CGO43 Traffic Enforcement Officer and the following training supplements How to Issue a Traffic Citation and Vehicle Pursuits.

### 500.2 UNIFORM ENFORCEMENT POLICIES

The uniform application of enforcement action for traffic violations is based upon principles of sound judgment and consideration of the circumstances and conditions surrounding the violation. Police officer discretion is the key to equitable application of traffic law enforcement with the ultimate goal being the achievement of voluntary compliance of traffic laws. The intent of this directive is to set forth general guidelines for uniform enforcement action for routine situations. It is not the intent of this directive to limit the police officer's use of judgment, but to encourage each police officer to use his training and experience to the fullest extent. The following are general guidelines when encountering the indicated violations.

#### 500.2.1 OPERATION OF A VEHICLE BY A DRIVER UNDER THE INFLUENCE OF ALCOHOL/DRUGS

Officers shall arrest any operator found to be in violation of ORC 4511.19, Operating Vehicle Under the Influence of Alcohol or Drugs (OVI).

Officers when making traffic stops should be alert for signs of alcohol and or drug impairment in the operator.

Officers shall be familiar with OVI detection and the accepted field sobriety tests, HGN, walk and turn and one leg stand. The Mount Healthy Police Department shall provide, as necessary, training to all patrol officers in the detection and apprehension of impaired operators.

Chemical tests shall be used in accordance with ORC 4511.191, department policy and procedures accepted by the Hamilton County Courts.

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##### 500.2.2 OPERATION OF A VEHICLE AFTER DRIVING PRIVILEGES HAVE BEEN SUSPENDED OR REVOKED

When an officer initiates a traffic stop, the officer should check the status of the persons operating privileges. If the operator cannot produce a valid driver's license, the officer will check the status of the operator's driver's license.

If the driver has no driver's license or is under a driver's suspension, the officer will issue the violator a citation for the appropriate violation.

Should confirmation not be obtained as to the status of the operator's driver's license, the officer shall obtain the information later and take appropriate enforcement action. Should the operator have failed to produce a valid operator's license at the traffic stop, then the officer shall issue a citation and arrangements made to remove the vehicle from the roadway.

##### 500.2.3 MOVING VIOLATIONS

Police officers should exercise discretion when deciding if a warning or a citation is appropriate. Consideration should be given to such factors as weather conditions, traffic volume, pedestrian traffic, and location, while always being mindful that moving violations correlate directly with high incidence of crashes.

##### 500.2.4 NON-MOVING VIOLATIONS

Vehicle equipment failure or flaws can potentially create hazards for the vehicle operator or other drivers. Agency personnel should be cognizant of a variety of non-moving violations, but especially those that may lead to motor vehicle crashes.

##### 500.2.5 PUBLIC CARRIER/COMMERCIAL VEHICLE VIOLATIONS

Public and commercial carriers who violate traffic laws will be treated in the same manner as the general public. Uniform enforcement policies and procedures outlined in this directive are applicable.

##### 500.2.6 MULTIPLE VIOLATIONS

When multiple violations are committed by a single individual and arise from a continuous activity, police officers may consolidate multiple violations in a single citation or complaint in the following situations:

- When the complaint incorporates all of the simultaneous violations.
- When the citation addresses overlapping or simultaneous violations.

Police officers may issue less than the authorized number of citations when it does not compromise their investigation and enforcement responsibilities and it accomplishes a legitimate police purpose, or they may incorporate all charges into a reckless operation. In all cases of multiple violations, the enforcement action taken should be sufficient to support a comprehensive and complete prosecutorial effort.

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##### 500.2.7 NEWLY ENACTED LAWS AND/OR REGULATIONS

Information concerning newly enacted traffic laws is provided via e-mail, legal updates, or in-service and shift briefing training. Dependent upon the nature of the violation, the Chief of Police may authorize enforcement guidelines and schedules such as public education efforts, grace periods, warnings in lieu of citations, etc. until the provisions of the new laws are better known to the public.

##### 500.2.8 VIOLATIONS RESULTING IN TRAFFIC COLLISION/CRASH

Officers typically cannot make an arrest for a misdemeanor that did not occur in their presence. After a thorough investigation in which physical evidence or independent witness statements indicate that a violation of Ohio law led to the collision, officers should issue a traffic citation or a misdemeanor citation to the offending driver.

Incidents involving more serious violations, such as driving under the influence of drugs or alcohol, vehicular manslaughter or other felonies, shall be enforced immediately. If a driver subject to enforcement is admitted to a hospital, a supervisor shall be contacted to determine the best enforcement option.

##### 500.2.9 PEDESTRIAN AND BICYCLE VIOLATIONS

In order to ensure the safe flow of pedestrian and bicycle traffic, it is important to enforce the laws pertaining to both. Officers should take appropriate enforcement action when and where pedestrian or bicycle violations are observed. Enforcement actions should be commensurate with pedestrian and bicycle crash rates with emphasis on times and locations as determined through analysis of crash reports.

#### **500.3 STOPPING/APPROACHING**

No two vehicle stops are exactly alike. The content of this directive provides guidelines for police officers conducting stops of traffic law violators.

##### 500.3.1 UNKNOWN RISK STOPS

The police officer should choose the location for the vehicle stop carefully. The police officer should consider the following in choosing a location for a vehicle stop:

- Traffic congestion
- Pedestrians
- Road conditions
- Surrounding terrain
- Street lighting
- Available cover
- Visibility to traffic

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The police officer shall activate the emergency lights to alert the driver to stop. The police officer may use the siren, if necessary, to alert the driver. At night, the police officer should use the patrol car takedown lights and/or spotlight to illuminate the interior of the vehicle once it has stopped.

The police officer shall inform the Communications Center of the vehicle current location, license plate number and license plate state, in that order prior to activating the emergency equipment. If the stopped vehicle displays a fictitious license plate, the police officer shall inform the Communications Center of the color, make, and model of the stopped vehicle, as well as, the number of occupants in the vehicle before the officer exits the patrol car. The police officer should receive an acknowledgment from Communications prior to approaching the vehicle.

In the unusual event a vehicle stop is required prior to contacting communications, the officer should not approach the vehicle until contact with communications has been made. The police officer should position the patrol vehicle a minimum of fifteen (15) feet behind, and about three (3) feet to the left of, the stopped vehicle, with the front wheels of the patrol vehicle turned sharply to the left.

The police officer should:

- Observe the interior of the stopped vehicle for unusual movement or activity.
- Be aware of roadway traffic before exiting the patrol vehicle.
- Use caution when exiting the patrol vehicle.

While approaching the vehicle the police officer should:

- Observe the occupants inside the stopped vehicle (movements, hands, etc.)
- Approach the stopped vehicles' rear bumper, then walk closely along either side of the vehicle toward the front window.
- Observe and check the trunk of the stopped vehicle.
- Observe the windows upon approach.
- Observe the rear seat and floorboard of the vehicle.
- Stop slightly to the rear of the front door post or rear door post, out of the way of the door should it open.

When conducting an investigatory stop and investigatory detention such stop and detention must be temporary and last no longer than is necessary to accomplish the purpose of the stop. Officers are authorized to take such steps as are reasonably necessary to protect their personal safety and maintain the status quo during such investigatory stop and investigatory detention. Officers must be able to reasonably articulate the facts to establish the reason for the investigatory stop and the actions taken to maintain the status quo during the investigatory stop to keep the detention within the permissible bounds to avoid the actions from becoming a de facto arrest. Such actions should be the least intrusive means reasonably available to accomplish the purpose of the stop. Such limited intrusions can include but are not limited to directing the driver and passengers to exit the vehicle, use of handcuffs, or placing the individual in the back of the patrol car. The officers



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must be able to articulate the facts to support these actions. For illustrative purposes, if the officer is outnumbered and the location is obscure, a reasonable intrusion to protect officer safety and maintain the status quo during the investigatory stop and detention may include directing all of the occupants to exit the vehicle, direct only the driver exit and the passengers keep hands out of the window, or use handcuffs even when one person is involved where the actions of the detainee are such that officer safety cannot be secured during the investigatory stop.

If the driver of the stopped vehicle exits the vehicle before the police officer has made the approach or while the officer is approaching, the police officer should instruct the driver to return to the stopped vehicle. The police officer should be prepared to take evasive action in case the driver advances upon the police officer.

The police officer shall both transmit the disposition of the traffic stop to the Communications Center and indicate a return to service via radio or the self-dispatch function using the mobile CAD system.

#### 500.3.2 HIGH-RISK STOPS

This traffic stop technique is used for the more dangerous type of vehicle stops a police officer makes. If conducted properly, it can make the stop much safer for the police officer. This kind of stop should be completed by three (3) or more police officers. The police officers should consider the following in choosing a location for a felony stop:

- Traffic congestion
- Pedestrians
- Road conditions
- Surrounding terrain
- Street lighting
- Available cover
- Visibility to traffic

Prior to initiating a felony vehicle stop, the police officer shall inform the Communications Center of the activity and the suspect vehicle's license plate number, license state, color, year, make, and model. The police officer shall transmit to the Communications Center the police officer's current location and direction of travel. Prior to initiating a felony vehicle stop, the police officer should ensure that back-up police officers and patrol cars are on scene. The police officer shall wait for an acknowledgment from the Communications Center before proceeding with the felony vehicle stop. In the unusual event a stop is required prior to contacting communications, the officer should not approach the vehicle until contact with communications has been made and a back-up officer is on scene.

Before initiating the stop, the police officer shall ensure that the back-up officers are in position and prepared to conduct the felony vehicle stop. If possible, the police officer shall transmit to the Communication Center the number of occupants inside the vehicle.

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To initiate the felony vehicle stop, the police officer should use the siren, if necessary to alert the driver. The police officer should use the patrol car takedown lights and/or spotlight at night to illuminate the interior of the vehicle being stopped. The police officer shall transmit to the Communications Center the final location of the vehicle stop.

The police officer initiating the vehicle stop should be the command officer, and the patrol vehicle should be the command vehicle. The first police officer, or command officer, should position the patrol car about forty (40) feet to the rear of the stopped vehicle, at about a forty-five (45) degree angle to the left, with the front wheels turned sharply to the left. The police officer should occupy a position using the cover provided by the command patrol car.

The secondary police officer should position their patrol car to the left of the command vehicle at an approximate forty-five (45) degree angle to the right. The wheels should be turned sharply to the right and approximately four (4) feet should be left between the fronts of the two patrol vehicles. The secondary officer will exit his vehicle and take a position of cover near the right front passenger door utilizing the engine block for protection. The secondary officer shall serve as the cuffing officer.

The third (3rd) unit arriving on scene should position their vehicle behind the command and secondary vehicles at a ninety (90) degree angle from these vehicles. The passenger side should face the suspect vehicle whenever possible. No other vehicle will be directly involved with the known risk stop. Vehicles may be used for additional coverage off to the right or left of the suspect vehicle to provide additional cover for other officers. Officers should consider utilizing their vehicles to block traffic whenever necessary. Officers must be vigilant not to back light the officers positioned on the known risk vehicle stop. The third (3rd) officer on scene will exit their patrol vehicle and assume a flank position at the rear of the secondary vehicle. Their job is to cover the occupants in the driver's side of the suspect vehicle.

The fourth (4th) officer arriving on scene will exit their vehicle and assume a flank position on the rear of the command vehicle. Their job is to cover the occupants in the passenger side of the vehicle. Additionally, the flank positions will be responsible for clearing the suspect vehicle when deemed clear by the command officer or supervisory personnel on scene.

If a fifth (5th) officer is available they will take a position of cover behind the engine block of the third vehicle. They shall not cover the suspect vehicle with a firearm from this position. They will function as the custody officer. As the suspects are turned over to them, they will conduct a thorough search from a position of cover. Additional officers arriving on scene shall not position themselves on the command vehicle or secondary vehicle unless authorized by a supervisor or unusual circumstances exist.

The command officer should control the occupants of the stopped vehicle by issuing commands to the driver of the stopped vehicle using the public address system. The command officer should direct the occupants of the stopped vehicle out of the car, one at a time, and back to the cuffing officer and other back-up officers so they can be searched and secured. The commands should be kept simple, clear, and direct, such as:

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- Driver of the car put your hands outside the window”
- “Driver, with your left hand, turn off the ignition and place the keys on the roof”
- “I am a Mount Healthy Police Officer, you are under arrest”

Under no circumstances should police officers approach an occupied vehicle during a felony vehicle stop. If an occupant refuses to exit the vehicle or comply with instructions from the command officer, the situation then should be handled as a barricaded suspect incident and appropriate procedures followed.

At the completion of the felony vehicle stop, the command officer shall transmit the disposition of the stop and the status of police officers involved to the Communications Center.

Police officers should be prepared for circumstances that require different vehicle positions and different police officer positions during felony vehicle stops, i.e., night stops, terrain, etc.

#### **500.4 OVI PROCEDURES**

Officers shall utilize the following procedures for detection and establishing probable cause to arrest vehicle operators who are under the influence of alcohol and/or drugs of abuse:

- Observe specific driving behaviors that identify that the operator may be under the influence of alcohol and/or drugs.
- Recognize specific behaviors that occur during vehicle stops that provide evidence or suspicion that the operator is under the influence of alcohol and/or drugs of abuse.
- Note all observations that lead the officer to believe the driver may be Intoxicated.
- Use caution in pursuing intoxicated drivers; be alert for unpredictable reactions from the driver and his/her operation of the vehicle.
- Upon contact with the operator identify any specific actions, attitudes and characteristics that identify the operator as being under the influence of alcohol and/or drugs of abuse.
- Have the operator exit the vehicle and move to a safe location where field sobriety tests can be conducted. Do not conduct field sobriety tests in between the police vehicle and the violator’s vehicle whenever practical.
- Conduct the field sobriety tests to assess impairment and determine if enough probable cause exists to affect an arrest for OVI.

If probable cause exists to arrest the offender the OVI based on the requirements under ORC 4511.19, the officer will affect a physical arrest of the operator.

- Arrest and secure the operator according to department policy and procedures. The violator should be informed of his/her Miranda Rights if he/she is to be questioned relevant to the OVI arrest.
- Process the vehicle according to legal requirements and department policy.
- Transport the violator to the Mount Healthy Police Department or other approved site for processing and evidential testing.

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- Prior to conducting any chemical test, the operator will be read the appropriate section from BMV2255, Administrative License Suspension (ALS) entitled Consequences of Test and Refusal. This must occur within two hours of the alleged violation.
- The violator may first be offered a breath test. Should the violator have been transported to a hospital, the officer may first request the violator to submit to a blood test.
  - Senate Bill 17 contains provisions that a law enforcement officer may use any 'reasonable force' to obtain a sample of blood from a suspected OVI or DUI driver. Although hospitals and EMT's will not execute a forced blood draw and has the right to refuse to draw blood under any circumstances, a hospital should assist in the blood draw procedure if the following steps are followed:
    - Obtain a search warrant in order to execute a blood draw if the defendant refuses to consent to a chemical test.
    - Once a warrant is secured, take the defendant to a hospital for the blood draw within the statutorily required time period.
    - At the hospital, be polite with the hospital staff and indicate that you have a warrant for the defendant's blood.
    - Show the warrant to the hospital staff so they may have one for their records and provide it to their Risk Management Department.
    - Make sure the defendant indicates that he or she wants to be admitted to the hospital.
    - Make sure the defendant indicates that he/she will cooperate with the warrant, if he/she refuses, charge the defendant with obstructing official business and have the defendant held in contempt.
    - Once the defendant indicates that he/she will cooperate, provide the kit to the hospital staff so they may withdraw the blood in accordance with ODH guidelines. Make sure the nurse knows it is vital to follow the directions that are provided on your blood draw kits.
    - If during the blood draw, the defendant becomes combative, stop the test immediately, secure the defendant and charge him or her with obstructing official business and have the defendant held in contempt. If a hospital staff member is injured because the defendant becomes combative then charge the defendant with any and all appropriate offenses. If the test is conducted, retrieve the sample from the hospital and send the kit to the appropriate toxicology lab for analysis in accordance with ODH guidelines.
- Should the violator refuse to submit to the initial requested test the arresting officer may ask the violator to submit to one of the other accepted tests. i.e. Unable to complete the requested test for a valid reason.
- The person must submit to the chemical test or tests, subsequent to the request of the arresting officer, within three hours of the time of the alleged violation and, if the person does not submit to the test or tests within that three hour time limit, the failure to submit automatically constitutes a refusal to submit to the test or tests.

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- Only after the violator has refused to submit to any of the three tests, (breath, blood or urine) will the offender be marked as a refusal on the BMV2255 form.
- The officer shall document that the violator was requested to submit to a test and refused to submit to such test.
- Should a violator submitting to a breath test be found to have a blood alcohol content of thirty-five hundredths of one gram.35BAC or higher, the officer having custody of the violator shall immediately summon an emergency medical service to examine the violator for possible medical problems due to the persons blood alcohol content.
- The collection of blood and urine samples shall be witnessed by the arresting officer. When practical and when the violator is of the opposite sex of the arresting officer, the urine specimen will be witnessed by a police officer of the same sex as the violator.
- Blood samples must be collected in accordance with Department of Health rules and regulations for the collection of such samples. Collection kits are in the Intoxilyzer room.
- Urine samples must be collected in accordance with Department of Health rules and regulations for the collection of such samples. Collection kits are in the Intoxilyzer room.
- The arresting officer shall complete and submit laboratory and property submission forms. Blood and urine samples shall be submitted into refrigerated evidence storage pursuant to department property and evidence control guidelines.
- The arresting police officer shall be responsible to have the specimen tested. Upon receiving the written results of the analysis, the arresting officer will be responsible for placing a copy with the original case paperwork and providing to the Hamilton County Prosecutors Office.

#### Drug Recognition Expert

Drug Recognition Experts (DRE), are officers trained to recognize drivers under the influence of drugs or a combination of drugs and alcohol. They can provide expert testimony as to an individual's impairment on drugs or alcohol.

When an officer makes an OVI arrest of a person they believe is impaired by drugs a DRE may be called out to conduct a post arrest evaluation on the person to determine what drug(s) are impairing that person's ability to operate a motor vehicle safely. Prior to the DRE's arrival the arresting officer should obtain a breath test, if the offenders BAC is .08 or higher, a DRE evaluation will not be conducted.

#### BMV2255

Officers shall review and complete any necessary areas of the BMV form, sign date and have the form notarized. When a violator has been charged under section 4511.19 for a blood or urine analysis, the form shall be filled out except for the test result information. The court copy of the BMV2255 and the violator's copy shall be issued without the test result information. The department copy and the BMV copy will be held with the original case paperwork pertaining to the case. The arresting officer shall upon receiving the test results from the laboratory, complete the

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form and if possible, make service of a copy of the completed form upon the violator. The officer will also forward the test information to the prosecutor's office.

#### Ohio Impaired Driver Report or Statement of Facts

Officers shall complete the Ohio Impaired Driver Report in its entirety per the form requirements.

#### Traffic Citation (OUTT)/NIBRS Requirements/Summons Issuance

When a violator is charged under section 4511.19A or 4511.19B, the officer shall check the appropriate box of the OUTT and fill in the test results if known. All other documents required by the OVI arrest i.e. BMV2255, Ohio Impaired Driver Report; will be attached to the OUTT.

When a violator is charged under section 4511.19A or 4511.19B and the offense meets the felony degree requirements, the officer shall complete a NIBRS report and suspect arrest supplement report. The officer shall file a complaint with Municipal Court. All other documents required by the OVI arrest i.e. BMV2255, Ohio Impaired Driver Report or Statement of Facts will be attached to the NIBRS required report.

When a violator under 21 years of age is arrested for OVI and is found to have a BAC of .02 but less than .08 the violator will be charged under section 4511.19B1, Operating a Motor Vehicle After Underage Consumption.

Should the person arrested and charged for OVI be operating a vehicle when one or more children under eighteen years of age are in the vehicle, the violator may be charged under ORC 2919.22C, Endangering Children. This charge shall be processed in accordance with department arrest policy requiring a NIBRS report and issuance of a summons. Any criminal offense summonses issued in addition to the OVI arrest paperwork, shall be attached to the OVI paperwork.

#### OVI Packets

The attached OVI Packets check off list will be utilized to assist you in ensuring that the appropriate paperwork is delivered to the Miami Twp Clerks, the Clerk of Courts, and the Prosecutor's office.

It is the arresting officer's responsibility to prepare (2) two separate packets for the original case file and the Hamilton County Clerk of Courts. The Hamilton County Prosecutors office packet will be sent electronically through the Discovery Division. If the arrestee is transported to jail, the transport officer will be required to take the Clerk of Court packet and a 527 Arrest & Investigation Report.

#### **CLERK OF COURT**

Original Citation

RCIC (ETH)

ALS 2255 (Pink Copy)

#### **PROSECUTOR PACKET AND ORIGINAL CASE FILE**

Traffic Citation

ALS 2255 Form

Impaired Driver Report

Subject Test/Refusal Report

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Miranda Rights Warning Form

Vehicle Impound Report

Auto Accident Report (If Applicable)

#### **500.5 TRAFFIC OFFICER DEPLOYMENT**

Several factors are considered in the development of deployment schedules for officers of the Mount Healthy Police Department. Information provided by the Ohio Traffic Safety Office (OTSO) is a valuable resource for traffic collision occurrences and therefore officer deployment. Some of the factors for analysis include:

- Location
- Time
- Day
- Violation factors

All officers assigned to patrol or traffic enforcement functions will emphasize enforcement of traffic laws and address collision-causing violations during those periods and at those locations where the incidence of collisions is increased. As a matter of routine, all officers will take directed enforcement action on request, and random enforcement action when appropriate, against violators. All officers shall maintain high visibility while working general enforcement, especially at high-collision incidence locations.

Other factors to be considered for deployment are citizen requests, construction zones, school zones or special events.

#### **500.6 ENFORCEMENT**

Enforcement actions are commensurate with applicable laws and take into account the degree and severity of the violation committed. This department does not establish ticket quotas and the number of arrests or citations issued by any officer shall not be used as the sole criterion for evaluating officer overall performance. The visibility and quality of an officer's work effort will be commensurate with the philosophy of this policy. Several methods are effective in the reduction of collisions:

##### **500.6.1 TRAFFIC CITATION COURT JURISDICTION**

An officer who issues a traffic citation shall ensure that the citation is properly directed to the court having jurisdiction over the violation within the county in which the offense charged is alleged to have been committed (Ohio Traf. R. Rule 3(E)(1)).

##### **500.6.2 REFUSAL TO SIGN TRAFFIC CITATION OR PROVIDE SATISFACTORY IDENTIFICATION**

A person who refuses to sign a traffic citation or provide satisfactory identification, and thereby declines to make a written promise to appear in court, may immediately be taken before a magistrate (ORC § 2935.26(A)(2); ORC § 2935.26(A)(3)). When reasonable under the

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circumstances, a supervisor may be requested to assist with resolution of the incident prior to resorting to an arrest.

#### 500.6.3 PHYSICAL ARREST

Officers will affect the physical arrest of any person when:

- The driver is in violation of ORC 4511.19, operating a vehicle while under the influence of alcohol or drugs of abuse or both alcohol and drugs of abuse.
- For any traffic offense which is a felony.
- For traffic offenses committed while in commission of other crimes which are companion cases i.e. theft, transport of contraband.
- Any time when in the officers' opinion and supported by legal principles, the violation warrants the offenders arrest.

The policy on physical arrests applies to juvenile, military personnel, diplomats/consular officials or legislator offenders.

#### 500.6.4 CITATION OR NOTICE TO APPEAR

Traffic citations may be issued when an officer believes it is appropriate. It is essential that officers fully explain the rights and requirements imposed on motorists upon issuance of a citation for a traffic violation (ORC § 2935.27). Officers should provide the following information at minimum:

- (a) Explanation of the violation or charge.
- (b) Court appearance procedure, including the optional or mandatory appearance by the motorist.
- (c) Notice of whether the motorist can enter a plea and pay the fine by mail or at the court.
- (d) The court contact information.
- (e) The person's driver license will be suspended for failure to comply with the directions on the citation.

#### **Juvenile Offenders**

Juveniles who have committed a minor misdemeanor traffic violation will not be placed in custody but will be issued a traffic warning or a traffic citation with the following exceptions:

- (a) In cases where a juvenile is taken into custody, the officer shall follow ORC 2151.31, 2151.311 and 2151.312 as it applicable.
- (b) Driving while impaired by alcohol or drugs.
- (c) Violation of vehicular homicide and assault statues.
- (d) Driving after revocation or suspension of license.
- (e) At the time a juvenile is charged with a traffic violation, the issuing officer will provide the juvenile with a copy of the citation containing the specific charge including statute violated and the Juvenile Traffic Citation Information form provided by the Hamilton County Juvenile Court.



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- (f) The officer issuing a juvenile a traffic citation shall mark the appropriate juvenile boxes on the MUTT and mark the date and time for the juvenile and their parent/guardian to attend.

#### **Military Personnel**

Military personnel are not privileged from arrest under ORC 2331.11. Officers will follow enforcement action incidental to traffic violations as outlined in Directive 61.1.2.

#### **Legislators**

ORC 2331.11 through 2331.14 allows certain Legislators to be privileged from arrest during their attendance at the session of their respective House and in going to and returning from the same. Privilege from arrest applies only to 'civil' arrests and not criminal arrests, summonses or citations. Therefore, traffic law violations are not privileged from arrest and officers will follow enforcement action incidental to traffic violations as outlined in Directive 61.1.2.

#### **Diplomats/Consular Officials**

##### Enforcement Action

If a member comes into contact with a person where law enforcement action may be warranted and the person claims diplomatic or consular privileges and immunities, the member should, without delay:

- (a) Notify a supervisor.
- (b) Advise the person that his/her claim will be investigated and he/she may be released in accordance with the law upon confirmation of the person's status.
- (c) Request the person's identification card, either issued by the U.S. Department of State (DOS), Office of the Chief of Protocol, or in the case of persons accredited to the United Nations, by the U.S. Mission to the United Nations. These are the only reliable documents for purposes of determining privileges and immunities.
- (d) Contact the DOS Diplomatic Security Command Center at 571-345-3146 or toll free at 866-217-2089, or at another current telephone number and inform the center of the circumstances.
- (e) Verify the immunity status with DOS and follow any instructions regarding further detention, arrest, prosecution and/or release, as indicated by the DOS representative. This may require immediate release, even if a crime has been committed.

Identity or immunity status should not be presumed from the type of license plates displayed on a vehicle. If there is a question as to the status or the legitimate possession of a Diplomat or Consul license plate, a query should be run via the National Law Enforcement Telecommunications System (NLETS), designating "US" as the state.

##### Claims of Immunity

If the DOS is not immediately available for consultation regarding law enforcement action, members shall be aware of the following:

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- (a) Generally, all persons with diplomatic and consular privileges and immunities may be issued a citation or notice to appear. However, the person may not be compelled to sign the citation.
- (b) All persons, even those with a valid privilege or immunity, may be reasonably restrained in exigent circumstances for purposes of self-defense, public safety or the prevention of serious criminal acts.
- (c) An impaired foreign diplomatic or consular representative may be prevented from driving a vehicle, even if the person may not be arrested due to privileges and immunities.
  - 1. Investigations, including the request for field sobriety tests, chemical tests and any other tests regarding impaired driving may proceed but they shall not be compelled.
- (d) The following persons may not be detained or arrested, and any property or vehicle owned by these persons may not be searched or seized:
  - 1. Diplomatic-level staff of missions to international organizations and recognized family members
  - 2. Diplomatic agents and recognized family members
  - 3. Members of administrative and technical staff of a diplomatic mission and recognized family members
  - 4. Career consular officers, unless the person is the subject of a felony warrant
- (e) The following persons may generally be detained and arrested:
  - (a) International organization staff; however, some senior officers are entitled to the same treatment as diplomatic agents.
  - (b) Support staff of missions to international organizations
  - (c) Diplomatic service staff and consular employees; however, special bilateral agreements may exclude employees of certain foreign countries.
  - (d) Honorary consular officers

#### 500.6.5 WARNINGS

Warnings or other non-punitive enforcement actions should be considered in each situation and may be substituted for arrests or citations when circumstances warrant. Generally there are three specific areas outlined in CGO43 as follows

There is a reasonable possibility of human error in judgment on the part of either the police officer or public

There is a logical possibility of malfunction of mechanical equipment without knowledge or intent on the part of the driver

The content of the particular law which was violated is not common knowledge

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The policy on warnings applies to juvenile, military personnel, diplomats/consular officials or legislator offenders.

#### **500.7 SUSPENDED OR REVOKED DRIVER LICENSE**

If an officer contacts a traffic violator for driving on a suspended, revoked, or restricted license and the violation is not an unclassified misdemeanor, the officer shall, without a warrant, arrest the violator (ORC § 2935.03; ORC § 4510.11; ORC § 4510.14).

In addition, if the violator is arrested for driving under an operating a vehicle under the influence (OVI) suspension, the officer shall seize the vehicle and its license plates if the vehicle is registered in the arrested person's name (ORC § 4510.41(B)(1)). At the time of the seizure, the arresting officer shall notify the arrestee, in writing, of the following:

- (a) The vehicle and its license plates are being seized.
- (b) The vehicle will either be kept by the Department or will be immobilized at least until the person's initial court appearance.
- (c) The court may order that the vehicle and license plates be released to the arrested person until the disposition of the charge.
- (d) If the arrestee is convicted, the court generally must order the immobilization of the vehicle and the impoundment of its license plates or the forfeiture of the vehicle.
- (e) The arrestee may be charged expenses or charges.

The arresting officer shall ensure that the Bureau of Motor Vehicles (BMV) Form 2255 is completed as required and that written notice of the seizure is forwarded to the court of initial jurisdiction (ORC § 4510.41(B)(2)).

#### **500.8 INFORMING THE VIOLATOR**

Traffic stops have two (2) objectives that the police officer seeks to achieve. The first (1st) objective is to take appropriate enforcement action, and the second (2nd) is to alter favorably the violator's future driving behavior. This requires a thorough understanding of human relations and demands flexibility on the part of the police officer. The following procedures are recommended to minimize conflict that may develop between the police officer and the traffic violator and to assist the police officer in achieving the two objectives. Once the police officer has stopped the traffic violator and approached to a point where communication can begin, the police officer should:

- Present a professional image in dress, grooming, language, bearing, and emotional intelligence.
- Be certain that the observations of the violation were accurate.
- Be prepared by having the necessary forms immediately available.
- Greet the violator in a courteous manner.
- Be alert for the unexpected, but not obviously apprehensive.
- Inform the traffic violator of the reason for the stop.

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- Ask for and accept the violator's driver's license, and proof of financial responsibility.
- Obtain another documentation of identification, if necessary, to verify identity.
- Reasonably allow the driver to discuss the violation.
- Complete the forms appropriate for enforcement action.
- Explain the requirements of the enforcement action, and the alternatives available.
- Be alert for signs of emotional distress or physical impairment exhibited by the driver.
- Assist the violator in reentering traffic safely

#### 500.8.1 COURT APPEARANCE SCHEDULE

At the time a violator is charged with a traffic violation and issued a citation, the issuing officer will provide the violator with a copy of the citation, to include The date, time and location of the scheduled court appearance.

#### 500.8.2 OPTIONAL OR MANDATORY COURT APPEARANCE

If the violation requires the violator to appear in court, the appropriate box on the violator's citation will be marked. If the officer is unsure if the violator must appear in court, the violator will be directed to contact the court at the phone number listed on the back of the citation.

#### 500.8.3 PLEA AND/OR PAYMENT INFORMATION

If the violator may pay the citation out, the officer shall write the fine on the back of the citation.

#### 500.8.4 OTHER REQUIRED INFORMATION

Officers shall complete the MUTT in its entirety to include information relative to the specific charge including statue violated.

### **500.9 HIGH-VISIBILITY VESTS**

The Department has provided American National Standards Institute (ANSI) Class II high-visibility vests to increase the visibility of department members who may be exposed to hazards presented by passing traffic, maneuvering or operating vehicles, machinery and equipment (23 CFR 655.601).

Although intended primarily for use while performing traffic-related assignments, high-visibility vests should be worn at any time increased visibility would improve the safety or efficiency of the member.

#### 500.9.1 REQUIRED USE

Except when working in a potentially adversarial or confrontational role, such as during vehicle stops, high-visibility vests should be worn at any time it is anticipated that an employee will be exposed to the hazards of approaching traffic or construction and recovery equipment. Examples of when high-visibility vests should be worn include traffic control duties, collision investigations, lane closures and while at disaster scenes, or anytime high visibility is desirable. When emergency

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conditions preclude the immediate donning of the vest, officers should retrieve and wear the vest as soon as conditions reasonably permit. Use of the vests shall also be mandatory when directed by a supervisor.

Vests maintained in the investigation units may be used anytime a plainclothes officer might benefit from being readily identified as an officer.

#### **500.9.2 CARE AND STORAGE OF HIGH-VISIBILITY VESTS**

High-visibility vests shall be maintained in the designated storage bag issued to all Department member. Each vest should be stored in such a manner as to protect and maintain the vest in a serviceable condition. Before going into service, each employee shall ensure a serviceable high-visibility vest is properly stored.

Additional high-visibility vests will be maintained in the equipment room for replacement of damaged or unserviceable vests. The Patrol Supervisor should be promptly notified whenever the supply of vests in the equipment room needs replenishing.

#### **500.10 ESCORTS**

The Department shall not routinely provide escort service for funerals, oversized loads, hazardous materials, public officials or dignitaries, for citizens' vehicles during medical emergencies, or for emergency vehicles.

- (a) Escorts may be provided if part of a protective services operation, a scheduled extra-duty assignment as arranged by the Police Chief or his designee. NOTE: When exceptional circumstances exist, (such as when public safety is jeopardized) the Police Chief may authorize an escort using on-duty shift personnel.
- (b) For medical emergencies, members should request that Communications notify emergency medical service personnel to respond to assist / transport the patient

## Traffic Collision Response and Reporting

### 501.1 PURPOSE AND SCOPE

The public safety responsibilities of law enforcement include responding to traffic collisions, providing aid and assistance, documentation of the incident and identification of criminal activity. The Mount Healthy Police Department prepares traffic collision reports in compliance with ORC § 5502.11 and OAC § 4501-31-01(A). As a public service the Mount Healthy Police Department shall make traffic collision reports available to the public (ORC § 5502.12).

### 501.2 DIRECTION/CONTROL PROCEDURES

The following procedures are for traffic direction and control:

#### 501.2.1 COLLISION/CRASH SCENES

Officers will use the patrol vehicle's overhead lights, flares and other appropriate warning devices, including traffic vests, as necessary to protect personnel, the scene and to alert approaching traffic at a traffic crash scene.

Flashing overhead lights, flares can create traffic problems and their unnecessary use will be curtailed when a road hazard no longer exists. Once the scene has been cleared of vehicles and debris, the officer will arrange for the prompt removal of flares and other warning devices that may have been used to protect the scene.

#### 501.2.2 ADVERSE ROAD AND WEATHER CONDITIONS

Adverse road conditions include downed utility lines, debris, ice or snow on the roadway. Officers encountering or being notified of such conditions shall notify Hamilton County Communications Center if not dispatched and the shift supervisor. Mt. Healthy Public works will be notified in the case of debris, ice or snow in the roadway. Appropriate personnel shall be notified to correct the condition. Should the situation warrant, an officer may be required to perform manual traffic direction at the scene.

#### 501.2.3 MANUAL OPERATION OF TRAFFIC SIGNALS

Officers are not permitted to operate a traffic control signal manually without the permission of a supervisor, except to place the unit on 'flash' when it has been determined that the unit is malfunctioning, or manual control of the intersection is otherwise required. If a traffic signal malfunctions, officers should attempt to reset it promptly upon observation or notification. If unable to reset, The officer must inform Hamilton County Communications Center of the malfunctioning signal device so that the appropriate agency is contacted, and repairs can be made.

#### 501.2.4 USE OF TEMPORARY TRAFFIC CONTROL DEVICES

As a general policy, temporary traffic control devices will be used only in a prescheduled special event or road construction project. The devices will normally be placed and removed by the Service Department with the Police Department coordinating placement of such devices.

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Portable temporary stop signs may also be used in emergency cases, these would include accidents, critical incidents, etc.

When the service department is not available to assist, or has a long response time, police officers may place temporary traffic control devices and/or barricades where needed.

#### **501.2.5 REFLECTIVE CLOTHING REQUIREMENT**

Officers will wear the department issued certified reflective traffic vest in addition to the authorized uniform when conducting manual traffic direction and control.

An officer may forego the wearing of the traffic vest until such time as the situation is under control.

#### **501.3 CALL RESPONSE**

Officers should respond without delay when dispatched to a traffic collision. A traffic collision with injuries reported may include an emergency response if the officer reasonably believes such a response is appropriate.

##### **501.3.1 RESPONSE CONSIDERATIONS**

An officer responding to and upon arrival at a collision, should consider the following:

- (a) The most appropriate route to the incident.
- (b) Proper placement of the emergency vehicle to provide protection for officers and the scene.
- (c) Potential for involvement of hazardous materials.
- (d) Additional support that may be necessary (e.g., traffic control, medical aid, HAZMAT, ambulance, tow vehicles and airship landing).
- (e) Provide first aid to any injured parties if it can be done safely, and obtain medical assistance as necessary.
- (f) Provision of traffic control and protection of the scene.
- (g) Clearance of the roadway.

#### **501.4 COLLISION INVESTIGATION**

Investigation of traffic collisions should include, at minimum, the following:

- (a) Identification and interview of all involved parties.
- (b) Identification and interview of any witnesses.
- (c) Determination if any crime has occurred and taking appropriate enforcement action.
- (d) Identification and protection of items of apparent evidentiary value.
- (e) Documentation of the incident as necessary (e.g., statements, measurements, photographs, collection of evidence and reporting) on appropriate report forms.

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##### **501.5 TAKING ENFORCEMENT ACTION**

Officers typically cannot make an arrest for a misdemeanor that did not occur in their presence. After a thorough investigation in which physical evidence or independent witness statements indicate that a violation of Ohio law led to the collision, officers should issue a traffic citation or a misdemeanor citation to the offending driver.

Incidents involving more serious violations, such as driving under the influence of drugs or alcohol, vehicular manslaughter or other felonies, shall be enforced immediately. If a driver subject to enforcement is admitted to a hospital, a supervisor shall be contacted to determine the best enforcement option.

##### **501.6 TRAFFIC COLLISION REPORTING**

###### **501.6.1 OFFICER RESPONSIBILITIES**

Department members shall utilize the Ohio traffic crash report prepared by the Ohio Department of Public Safety as required for the reporting of traffic collisions (OAC § 4501-31-01(A)). All traffic collision reports taken by members of this department shall be forwarded to the Traffic Officer for approval and data entry into the records management system.

###### **501.6.2 SERGEANT RESPONSIBILITIES**

The Sergeant will be responsible for:

- (a) Monthly and quarterly reports on traffic collision statistics, to be forwarded to the Patrol Sergeant or other persons as required.
- (b) Forwarding all traffic accident reports involving a fatality, personal injury or property damage greater than \$1,000 to the Department of Public Safety within five days of the investigation (ORC § 5502.11 and OAC § 4501-31-01).
- (c) Upon the request of an owner whose real property received damage caused by the operation of a motor vehicle, providing the names of persons charged with any offense related to the damage as soon as possible after the persons are charged with the offense (ORC § 2935.28).

##### **501.7 REPORTING SITUATIONS**

###### **501.7.1 TRAFFIC COLLISIONS INVOLVING CITY VEHICLES**

Traffic collision investigation reports shall be taken when a City-owned vehicle is involved in a traffic collision on a roadway or highway wherein any damage or injury results. A general information report may be taken in lieu of a traffic collision report at the direction of a supervisor when the collision occurs on private property or does not involve another vehicle. Whenever there is damage to a City vehicle, a vehicle damage report shall be completed and forwarded to the appropriate Sergeant.

Photographs of the collision scene and vehicle damage shall be taken at the discretion of the traffic investigator or any supervisor.



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##### **501.7.2 TRAFFIC COLLISIONS WITH POLICE DEPARTMENT EMPLOYEES**

When an employee of this department, either on- or off-duty, is involved in a traffic collision within the jurisdiction of the Mount Healthy Police Department and it results in a serious injury or fatality, the Sergeant or the Shift Supervisor should request the Ohio State Highway Patrol or other outside agency complete an investigation and report.

The term serious injury is defined as any injury that may result in a fatality.

##### **501.7.3 TRAFFIC COLLISIONS WITH OTHER CITY EMPLOYEES OR OFFICIALS**

The Sergeant or Shift Supervisor may request assistance from the Ohio State Highway Patrol or other outside agency for the investigation of any traffic collision involving any City official or employee where a serious injury or fatality has occurred.

##### **501.7.4 TRAFFIC COLLISIONS INVOLVING DEER KILLED BY MOTOR VEHICLE**

A traffic collision involving the death of a deer entitles the driver of the motor vehicle to take possession of the deer provided that (ORC § 1533.121):

- (a) Within 24 hours of the collision, the driver reports the accident to law enforcement.
- (b) Law enforcement inspects the carcass to determine the injuries are consistent with a motor vehicle accident.
- (c) Upon confirmation that the death has been caused as alleged, a certificate for legal ownership of the deer shall be issued to the driver by the law enforcement agency receiving the report.
- (d) If the deer is unclaimed, the certificate for legal ownership may be given to a private or public institution, charity or to another person.

##### **501.7.5 TRAFFIC COLLISIONS INVOLVING INJURED ANIMALS**

Department members shall refer to the Animal Control Procedures Policy when a traffic collision involves disposition of an injured animal.

##### **501.8 NOTIFICATION OF SERGEANT**

In the event of a serious injury or death-related traffic collision, the Shift Supervisor shall notify the Sergeant to relate the circumstances of the traffic collision and seek assistance from the Traffic Officer. In the absence of a Sergeant, the Shift Supervisor or any supervisor may assign an investigator or motor officer to investigate the traffic collision.

##### **501.9 HAZARDOUS ROADWAY CONDITIONS**

Roadway and roadside hazards are contributing factors in many traffic collisions. In order to mitigate these factors, the Mt. Healthy Police Department charges police officers with the responsibility to report and, when possible, correct hazardous conditions.

Conditions and situations considered roadway and roadside hazards include:

- Debris in the roadway.

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- Defects in the roadway.
- Lack of or defects in highway safety features.
- Lack of, improper, visually obstructed, down or damaged mechanical traffic control devices and/or traffic control and informational signs.
- Lack of or defective roadway lighting systems.
- Vehicle abandoned or parking on or near the roadway.
- Any other situation or condition that may hamper, restrict, or endanger the flow of traffic.

The following guidelines shall be used to govern identifying, reporting, and correcting hazardous road conditions:

- A police officer encountering a potential hazardous condition that can easily and safely be corrected should take the necessary action to correct the situation.
- When a police officer determines that a hazardous condition requires immediate correction and is beyond the scope of the officer's abilities, the police officer shall notify the Communications Center of the situation and request the appropriate resources or assistance. The police officer shall then establish a "lane of safety" and provide traffic direction and control as necessary until the hazardous condition is corrected.
- When a police officer determines that a potential hazardous condition exists, but does not require immediate correction, the police officer shall notify the Communications Center of the nature and location of the potential hazard. The Communications Center shall notify the proper authorities of the condition as soon as feasible.
- If a police officer encounters a situation and is unsure of the hazard potential, the on-duty shift supervisor shall make a determination as to the course of action.

## Vehicle Towing and Release Policy

### 502.1 PURPOSE AND SCOPE

This policy provides the procedures for towing a vehicle by or at the direction of the Mount Healthy Police Department and under the authority of ORC § 4510.41, ORC § 4511.67, ORC § 4513.60 and ORC § 4513.61 or other applicable municipal ordinance.

### 502.2 RESPONSIBILITIES

The responsibilities of those employees storing or impounding a vehicle are as follows.

#### 502.2.1 COMPLETION OF VEHICLE IMPOUND AND INVENTORY REPORT

Department members requesting storage of a vehicle shall complete a Vehicle Impound/Storage Report including a description of property within the vehicle. Copies are to be given to the tow truck operator and car owner if on the scene and the original is to be submitted to the Property Management Officer (PMO) as soon as practicable after the vehicle is stored.

Department members shall promptly enter data into the Pamet Vehicle file so that the information is immediately available should inquiries be made.

The PMO shall search Ohio Bureau of Motor Vehicles records within five business days of the tow to identify the owner and any lien holder of a motor vehicle ordered into storage. The PMO shall send a notice to the owner and any lien holder that the motor vehicle will be declared a nuisance and disposed of if not claimed within 10 days of the date of mailing of the notice (ORC § 4513.61).

The PMO shall ensure that records are maintained of motor vehicles towed and/or disposed of by this department, as required by Ohio law (ORC § 4513.60; ORC § 4513.61).

#### 502.2.2 REMOVAL OF VEHICLE DISABLED IN A TRAFFIC COLLISION

When a vehicle has been involved in a traffic collision and must be removed from the scene, the officer shall have the driver select a towing company, if reasonably possible, and shall relay the request for the specified towing company to the Communications Center. When there is no preferred company requested, a company will be selected from the rotational list of towing companies in the Communications Center.

If the owner is incapacitated or for any reason it is necessary for the Department to assume responsibility for a vehicle involved in a collision, the officer shall request the dispatcher to call a company selected from the rotational list of towing companies. The officer will then conduct an inventory and store the vehicle using a Vehicle Impound/Storage Report.

#### 502.2.3 DRIVING A NON-CITY VEHICLE

Vehicles that have been towed by or at the direction of the Department should not be driven by police personnel unless it is necessary to move a vehicle a short distance to eliminate a hazard, prevent the obstruction of a fire hydrant, or to comply with posted signs.

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##### **502.3 TOWING SERVICES**

The City of Mt. Healthy periodically selects one or more firms to act as official tow services and awards contracts to those firms. Those firms will be used in the following situations:

- (a) When it is necessary to safeguard a vehicle due to the inability of the owner or operator to take the required action.
- (b) When a vehicle is seized pursuant to a violation of ORC § 4511.195 or ORC § 4511.203.
- (c) When it is otherwise necessary to store a motor vehicle. This would include situations involving the recovery of stolen or abandoned vehicles and the removal of vehicles obstructing traffic in violation of state or local regulations.

If more than one firm has been awarded contracts, they shall be placed on a rotation list. Nothing in this policy shall require the Department to tow a vehicle.

##### **502.4 TOWING OF VEHICLES FROM PUBLIC AND PRIVATE PROPERTY**

Officers of the Mount Healthy Police Department may tow/impound any motor vehicle that is:

- Illegally Parked Vehicles
- Abandoned Motor Vehicle or Abandoned Junk Motor Vehicles
- Stolen, Recovered or Wanted Vehicle to be held as, or processed for, evidence.
  - If the vehicle is to be held for evidence or is to be processed for evidence, the vehicle shall be towed to the Mount Healthy Police Department and submitted into evidence pursuant to department property and evidence control directive 84.1. The vehicle shall be released to the owner or removed to the towing company's storage facility as soon as it is no longer needed as evidence or upon completion of processing for evidence. It shall be the responsibility of the investigating officer to arrange for the removal the vehicle.
  - If the vehicle is not needed for evidence the vehicle shall be towed to the towing company storage facility.
  - If the vehicle is being held at the request of another agency, the officer shall have the request confirmed by contact with the agency obtaining the name and position of the person contacted. The officer should attempt to have the vehicle released directly to the agency requesting the hold on the vehicle. If the requesting agency cannot respond to take control of the vehicle, the officer shall determine if the vehicle is to be held for evidence or processing and if so, have the vehicle towed to a location designated by the agency requesting the vehicle. If the vehicle is not to be held for evidence or processing, the vehicle should be towed by a rotation tow service to their storage facility and the requesting agency notified of the location of the vehicle.
- Involved in a traffic crash.
  - The officer investigating a traffic crash shall have any vehicle removed to a rotation towing services storage facility, if the operator or person having legal

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right of possession is unable to provide for the vehicle's removal. An officer shall not allow a disabled vehicle to remain on public property or on private property without the consent of a person authorized to give consent.

- Being operated by a person who has no legal right to operate a motor vehicle and or when the operator has been physically arrested.
  - If the operator of a motor vehicle has been arrested for OVI.
  - Driving Under Suspension under the following circumstances:
    - If a valid driver can respond to the scene in a reasonable amount of time.
    - If the vehicle is legally parked.
    - If a passenger in the vehicle is a valid driver.
- Because of exigent circumstances and/or in the interest of public safety, because of natural or man-made disaster or other necessary circumstance.
  - Vehicles towed under exigent circumstances shall be towed only with the permission of the shift supervisor. The vehicles shall then be removed by the means determined by the supervisor.

Officers of the Mount Healthy Police Department will only utilize towing services that have been authorized by the Chief of Police.

#### **502.5 TOWING AT ARREST SCENES**

Whenever a person in charge or in control of a vehicle is arrested, it is the policy of this department to provide reasonable safekeeping by towing the arrestee's vehicle subject to the exceptions described below. However, a vehicle shall be towed whenever it is needed for the furtherance of an investigation or prosecution of the case, or when the community caretaker doctrine would reasonably suggest that the vehicle should be towed. For example, a vehicle shall be towed if it would present a traffic hazard or if it would be in jeopardy of theft or damage if left at the scene in a high-crime area.

The following are examples of situations where consideration should be given to leaving a vehicle at the scene in lieu of towing, provided the vehicle can be lawfully parked and left in a reasonably secured and safe condition:

- Traffic-related warrant arrest
- Situations where the vehicle was not used to further the offense for which the occupant was arrested or is not subject to forfeiture proceedings
- Whenever the vehicle otherwise does not need to be stored and the owner requests that it be left at the scene

In such cases, the handling employee shall note in the report that the owner was informed that the Department will not be responsible for theft or damages.

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##### **502.6 VEHICLE INVENTORY**

All property in a stored or impounded vehicle shall be inventoried and listed on the vehicle storage form. This includes the trunk and any compartments or containers, even if they are closed and/or locked. Members conducting inventory searches should be as thorough and accurate as practicable in preparing an itemized inventory. These inventory procedures are for the purpose of protecting an owner's property while the owner is in police custody, to provide for the safety of officers and the public, and to protect the Department against fraudulent claims of lost, stolen or damaged property.

If the apparent potential for damage to a locked container reasonably appears to outweigh the protection of the items inside other options to consider regarding locked containers include, but are not limited to, obtaining access to the locked container from the owner, placing the locked container into safe keeping or obtaining a written waiver of responsibility for the contents of the locked container.

##### **502.7 SECURITY OF VEHICLES AND PROPERTY**

Unless it would cause an unreasonable delay in the completion of a vehicle impound/storage or create an issue of officer safety, an officer should make reasonable accommodations to permit a driver/owner to retrieve small items of value or personal need (e.g., cash, jewelry, cellular telephone, prescriptions) that are not considered evidence or contraband.

If a search of a vehicle leaves the vehicle or any property contained therein vulnerable to unauthorized entry, theft or damage, personnel conducting the search shall take such steps as are reasonably necessary to secure and/or preserve the vehicle or property.

##### **502.8 VEHICLE TOWING RECORDS**

Any motor vehicle towed by an officer shall have a Vehicle Impound Report form completed and submitted with the officer's daily paperwork to records. A complete inventory of the contents of the vehicle shall be made.

- The purpose of the inventory is to make a record of the vehicle owner/operator's property so that it may be safeguarded from theft and that officers are not accused of taking property from the vehicle.
- The inventory shall include all compartments of the vehicle and any containers found therein. Any closed container shall be opened to determine its contents.

The Vehicle Impound Report shall serve as a written record of the incident and copies shall be distributed as follows:

- The original (white) copy is immediately submitted to Tow Slip Binder.
- The yellow copy is provided to the wrecker towing the vehicle.
- The owner/operator is provided with the pink copy

##### **INVENTORY AND STORAGE**

Procedures governing the inventory and storage of towed vehicles are as follows.

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- A Vehicle Inventory Report shall be completed pursuant to this directive on all vehicles towed under the authorization of the Mount Healthy Police Officer, Parking Enforcement Officer or Code Enforcement. # When an officer authorizes a vehicle to be towed, the officer shall ensure that an inventory of the vehicle and its contents is conducted. # The service towing the vehicle assumes liability and responsibility for the vehicle and its contents for the vehicle and its contents upon taking custody of the vehicle

## Impaired Driving

### 503.1 PURPOSE AND SCOPE

This policy provides guidance to those department members who play a role in the detection and investigation of operating a vehicle under the influence of alcohol or drugs (OVI).

### 503.2 POLICY

The Mount Healthy Police Department is committed to the safety of the roadways and the community and will pursue fair but aggressive enforcement of Ohio's impaired driving laws.

### 503.3 INVESTIGATIONS

Officers should not enforce OVI laws to the exclusion of their other duties unless specifically assigned to OVI enforcement. All officers are expected to enforce these laws with due diligence.

The Sergeant will develop and maintain, in consultation with the prosecuting attorney, report forms with appropriate checklists to assist investigating officers in documenting relevant information and maximizing efficiency. Any OVI investigation will be documented using these forms. Information documented elsewhere on the form does not need to be duplicated in the report narrative. Information that should be documented includes, at a minimum:

- (a) The field sobriety tests (FSTs) administered and the results.
- (b) The officer's observations that indicate impairment on the part of the individual, and the officer's health-related inquiries that may help to identify any serious health concerns (e.g., diabetic shock).
- (c) Sources of additional information (e.g., reporting party, witnesses) and their observations.
- (d) Information about any audio and/or video recording of the individual's driving or subsequent actions.
- (e) The location and time frame of the individual's vehicle operation and how this was determined.
- (f) Any prior related convictions in Ohio or another jurisdiction.

### 503.4 FIELD TESTS

The Sergeant should identify standardized FSTs and any approved alternate tests for officers to use when investigating violations of OVI laws.

### 503.5 CHEMICAL TESTS

A person implies consent under Ohio law to a chemical test or tests, and to providing the associated chemical sample, under any of the following (ORC § 4511.191):

- (a) The arresting officer has reasonable grounds to believe the person was operating or in physical control of a motor vehicle while under the influence of alcohol, a drug or a combination of the two.



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- (b) An officer has arrested a person under the age of 21 and has reasonable grounds to believe the person was OVI (ORC § 4511.19(B)).
- (c) The person has been arrested for a substantially equivalent municipal OVI ordinance.

If a person withdraws this implied consent, or is unable to withdraw consent (e.g., the person is unconscious) the officer should consider implied consent revoked and proceed as though the person has refused to provide a chemical sample.

#### 503.5.1 STATUTORY NOTIFICATIONS

An officer arresting a person for OVI shall, prior to requesting that the person submit to a chemical test, read from a written form the mandatory statutory advice provided by ORC § 4511.192(B). The reading of the advice shall be witnessed by one or more persons and the witness shall certify to this fact by signing the form (ORC § 4511.192(A)).

If the arrestee has a previous conviction for OVI as described in ORC § 4511.191, the officer (ORC § 4511.191(A)(5)):

- (a) Shall request the person to submit to a chemical test.
- (b) Is not required to advise the person of the consequences of submitting or refusing to submit to a chemical test.
- (c) Is not required to provide the person with the written form described in this policy.
- (d) Shall advise the person that the officer may employ whatever reasonable means are necessary to ensure that the person submits to a chemical test.
- (e) At the time of arrest, shall advise the person that he/she may have an independent chemical test taken at his/her own expense and permit such testing (ORC § 4511.19(D)(3)).

If an officer does not ask the arrestee to submit to a chemical test, the officer shall seize the person's driver license and forward it to the court in which the person is to appear, pursuant to ORC § 4511.192(C). If the person is not in possession of his/her license, the officer shall order the person to submit it to this department within 24 hours of the arrest.

#### 503.5.2 BREATH SAMPLES

The Sergeant should ensure that all devices used for the collection and analysis of breath samples are properly serviced and tested, and that a record of such service and testing is properly maintained.

Officers obtaining a breath sample should monitor the device for any sign of malfunction. Any anomalies or equipment failures should be noted in the appropriate report and promptly reported to the Sergeant.

#### 503.5.3 BLOOD SAMPLES

Only persons authorized by law to draw blood shall collect blood samples (ORC § 4511.19(D)(1)(b)). The blood draw should be witnessed by the assigned officer. No officer, even if properly certified, should perform this task.

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Officers should inform an arrestee that if he/she chooses to provide a blood sample, a separate sample can be collected for alternate testing. Unless medical personnel object, two samples should be collected and retained as evidence, so long as only one puncture is required.

The blood sample shall be packaged, marked, handled, stored and transported as required by the testing facility.

If an arrestee cannot submit to a blood draw because he/she has a bleeding disorder or has taken medication that inhibits coagulation, he/she shall not be required to take a blood test. Such inability to take a blood test should not be considered a refusal. However, that arrestee may be required to complete another available and viable test.

#### **503.5.4 URINE SAMPLES**

If a urine test will be performed, the arrestee should be promptly transported to the appropriate testing site. The officer shall follow any directions accompanying the urine evidence collection kit.

Urine samples shall be collected and witnessed by an officer or jail staff member of the same sex as the individual giving the sample. The arrestee tested should be allowed sufficient privacy to maintain his/her dignity, to the extent possible, while still ensuring the accuracy of the sample.

The sample shall be packaged, marked, handled, stored and transported as required by the testing facility.

#### **503.6 REFUSALS**

When an arrestee refuses to provide a chemical sample, officers should:

- (a) Advise the arrestee of the requirement to provide a sample (ORC § 4511.191).
- (b) Audio- and/or video-record the admonishment and the response when it is practicable.
- (c) Document the refusal in the appropriate report.

#### **503.6.1 STATUTORY NOTIFICATIONS UPON REFUSAL**

Upon refusal to submit to a chemical test as required by law, officers shall personally serve the notice of license suspension upon the person and take possession of any state-issued license to operate a motor vehicle that is held by that person. If a person was arrested only for having physical control of a vehicle while under the influence pursuant to ORC § 4511.194, the officer shall not seize the person's driver license if the person submits to the chemical tests, regardless of the amount of alcohol or controlled substances indicated by the test (ORC § 4511.192(D)).

#### **503.6.2 BLOOD SAMPLE WITHOUT CONSENT**

A blood sample may be obtained from a person who refuses to submit to a chemical test when any of the following conditions exist:

- (a) A search warrant has been obtained.
- (b) The officer can articulate that exigent circumstances exist. Exigency does not exist solely because of the short time period associated with the natural dissipation of

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alcohol or controlled or prohibited substances in the person's bloodstream. Exigency can be established by the existence of special facts, such as a lengthy delay in obtaining a blood sample due to an accident investigation or medical treatment of the person.

#### 503.6.3 FORCED BLOOD SAMPLE

If an arrestee indicates by word or action that he/she will physically resist a blood draw, the officer should request a supervisor to respond.

The responding supervisor should:

- (a) Evaluate whether using force to obtain a blood sample is appropriate under the circumstances.
- (b) Ensure that all attempts to obtain a blood sample through force cease if the person agrees to, and completes a viable form of testing in a timely manner.
- (c) Advise the person of his/her duty to provide a sample (even if this advisement was previously done by another officer) and attempt to persuade the person to submit to such a sample without physical resistance. This dialogue should be recorded on audio and/or video when practicable.
- (d) Ensure that the blood sample is taken in a medically approved manner.
- (e) Ensure the forced blood draw is recorded on audio and/or video when practicable.
- (f) Monitor and ensure that the type and level of force applied appears reasonable under the circumstances.
  1. Unless otherwise provided in a warrant, force should generally be limited to handcuffing or similar restraint methods.
  2. In misdemeanor cases, if the arrestee becomes violent or more resistant, no additional force will be used and a refusal should be noted in the report.
  3. In felony cases, force which reasonably appears necessary to overcome the resistance to the blood draw may be permitted.
- (g) Ensure the use of force and methods used to accomplish the collection of the blood sample are documented in the related report.

If a supervisor is unavailable, officers are expected to use sound judgment and perform as a responding supervisor, as set forth above.

#### **503.7 ARREST AND INVESTIGATION**

##### 503.7.1 DESIGNATION OF CHEMICAL TESTS

The type of chemical test to be administered to persons in violation of OVI laws shall be the type designated by the Department and administered at the direction of the arresting officer (ORC § 4511.191(A)(3)).

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##### **503.7.1 TIME TO CONSENT TO TEST**

If an officer requests that a person consent to providing a chemical sample pursuant to Ohio law, failure to consent to the test within two hours of the alleged violation automatically constitutes a refusal (ORC § 4511.192(A)).

##### **503.7.1 OFFICER RESPONSIBILITIES**

If a person refuses to submit to a chemical test, or submits to the test and the results indicate a prohibited concentration of alcohol, controlled substance or metabolite of a controlled substance, the officer shall (ORC § 4511.192(D)):

- (a) Confirm the arrested person's residence and notify the Bureau of Motor Vehicles (BMV) of any change.
- (b) Within 48 hours, forward a sworn report to the BMV and the court in which the arrested person will appear that contains the statements required by ORC § 4511.192(D)(1)(d).
- (c) Provide a copy of the officer's sworn report to the arrested person, if available. A copy of an unsworn report may be provided to the arrested person provided that the report is complete when given to the person and that it is subsequently sworn to by the arresting officer (ORC § 4511.192(E)).

##### **503.7.2 VEHICLE SEIZURE**

An officer arresting a person for OVI shall seize the vehicle the person was operating at the time of the offense if the person is the registered owner of the vehicle and either of the following conditions apply (ORC § 4511.195(B)):

- (a) The person is arrested for OVI or for a municipal OVI ordinance and has been previously convicted of or pleaded guilty to OVI, or an equivalent offense, within the last 10 years.
- (b) The person is arrested for OVI or for a municipal OVI ordinance and has been previously convicted of or pleaded guilty to a felony OVI offense, regardless of when the conviction or guilty plea occurred.

#### **503.8 POLICE CLERK RESPONSIBILITIES**

The Police Clerk will ensure that all case-related records are transmitted according to current records procedures and as required by the prosecuting attorney's office.

#### **503.9 ADMINISTRATIVE HEARINGS**

The Police Clerk will ensure that all appropriate reports and documents related to administrative license suspensions are reviewed and forwarded to the BMV.

Any officer who receives notice of required attendance to an administrative license suspension hearing should promptly notify the prosecuting attorney.

An officer called to testify at an administrative hearing should document the hearing date and the BMV file number in a supplemental report. Specific details of the hearing generally should not be

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included in the report unless errors, additional evidence or witnesses are identified. The Police Clerk should forward this to the prosecuting attorney as part of the case file.

#### **503.10 TRAINING**

The Police Chief should ensure that officers participating in the enforcement of OVI laws receive regular training. Training should include, at minimum, current laws on impaired driving, investigative techniques and rules of evidence pertaining to OVI investigations. The Police Chief should confer with the prosecuting attorney's office and update training topics as needed.

All officers certified in the use of the Intoxilyzer 8000 are required to conduct an annual proficiency test in order to maintain their certification. The proficiency test shall be completed by January 31st of each calendar year. Instructions for conducting the test can be found in the OVI testing area. After each officer has completed the test they shall sign a checklist that can be found in the briefing area.

## Traffic and Parking Citations

### 504.1 PURPOSE AND SCOPE

This policy outlines the responsibilities for issuing, correcting, voiding, and dismissing traffic and parking citations.

### 504.2 RESPONSIBILITIES

Members of this department shall use the Ohio Uniform Traffic Ticket for all traffic offense citations (Ohio Traf. R. Rule 3(A)). The Chief of Police or the authorized designee shall determine whether to use the Ohio Uniform Traffic Ticket or adopt a local parking ticket for parking violations (ORC § 4521.03).

The Police Clerk shall be responsible for the supply and accounting of all traffic and parking citations issued to members of this department (Ohio Traf. R. Rule 3(D)). Citations will be kept in a secure location and issued to members by Police Clerk staff. Members will sign for the citation books when issued, and the Police Clerk is responsible for maintaining records of parking tickets issued by members of this department (ORC § 4521.03(D)).

#### 504.2.1 OFFICER RESPONSIBILITIES

The officer who issues a moving traffic ticket shall do all of the following (Ohio Traf. R. Rule 3(E)):

- (a) Complete the ticket with all available information and sign the ticket.
- (b) Serve a copy of the completed ticket on the defendant.
- (c) File the court copy with the court without unnecessary delay.
- (d) Notify the recipient that the recipient must comply with the directions on the ticket or the recipient's license will be cancelled, the recipient will not be eligible for the reissuance of a license for one year, and the recipient will be subject to any applicable criminal penalties.

#### 504.2.2 DATA COLLECTION

The Traffic Bureau Manager will maintain information relating to traffic stops in which a citation is issued, and to arrests resulting from those traffic stops, including information relating to the race or ethnicity of the individual detained.

#### 504.2.3 WRITTEN OR VERBAL WARNINGS

Written or verbal warnings may be issued when the department member believes it is appropriate. The Police Clerk should maintain information relating to traffic stops in which a written warning is issued. Written warnings are retained by this department in accordance with the established records retention schedule.

### 504.3 POLICY

It is the policy of the Mount Healthy Police Department to enforce traffic laws fairly and equally. Authorized members may issue a traffic citation, parking citation, or written or verbal warning

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based upon the circumstances of the contact and in the best interest of the motoring public and community safety.

#### **504.5 TRAFFIC CITATIONS**

##### 504.5.1 CORRECTION

When a traffic citation is issued but is in need of correction, the member issuing the citation shall submit the citation and a letter to the member's immediate supervisor requesting a specific correction. Once approved, the citation and letter shall then be forwarded to the Police Clerk. The Police Clerk or the authorized designee shall prepare a letter of correction to the court having jurisdiction and notify the citation recipient in writing.

##### 504.5.2 VOIDING

Voiding a traffic citation may occur when the citation has not been completed or when it is completed but not issued. All copies of the voided citation shall be presented to a supervisor for approval. The citation and copies shall then be forwarded to the Police Clerk.

##### 504.5.3 DISMISSAL

Members of this department do not have the authority to dismiss a traffic citation once it has been issued. Only the court has that authority. Any request from a recipient to dismiss a citation shall be referred to the Sergeant. Upon a review of the circumstances involving the issuance of the traffic citation, the Sergeant may request the Patrol Sergeant to recommend dismissal. If approved, the citation will be forwarded to the appropriate prosecutor with a request for dismissal. All recipients of traffic citations whose request for dismissal has been denied shall be referred to the appropriate court.

Prior to a court hearing, a member may submit a request for dismissal of a traffic citation to the member's supervisor. The request must be in writing and should include the reason for dismissal (i.e., in the interest of justice, prosecution is deemed inappropriate). Upon a review of the circumstances involving the issuance of the traffic citation, the supervisor may forward the request to the Patrol Sergeant to recommend dismissal. If approved, the citation will be forwarded to the appropriate prosecutor with a request for dismissal.

Should a member determine during a court proceeding that a traffic citation should be dismissed in the interest of justice or where prosecution is deemed inappropriate, the member may request the court to dismiss the citation. Upon such dismissal, the member shall notify the member's immediate supervisor of the circumstances surrounding the dismissal and shall complete any paperwork as directed or required, and forward it to the Patrol Sergeant for review.

##### 504.5.4 DISPOSITION

The court and file copies of all traffic citations issued by members of this department shall be forwarded to the member's immediate supervisor for review by the end of each shift. The citation copies shall then be filed with the Police Clerk.

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Upon separation from appointment or employment with this department, all members who were issued traffic citation books shall return any unused citations to the Police Clerk.

#### 504.5.5 JUVENILE CITATIONS

Completion of traffic citation forms for juveniles may vary slightly from the procedure for adults. The juvenile's age, place of residency, and the type of offense should be considered before issuing a juvenile a citation.

#### **504.9 TRAFFIC CITATION MAINTENANCE**

Issuing and accounting for traffic citations shall be rigidly controlled. Copies of citations issued by personnel should be filed in agency records. Issuing, accounting, and storing of citations may be accomplished by electronic means.

#### 504.9.1 ISSUING CITATION FORMS TO PERSONNEL

- (a) Citation books shall be maintained by the Police Clerk and issued by Sergeants. The Police Clerk shall be responsible for tracking the following information:
1. The number of citation books issued;
  2. The beginning and ending number of each book issued;
  3. Name of the officer receiving the citation book; and,
  4. The date the books were issued.

#### 504.9.2 ACCOUNTING FOR CITATIONS

The Police Clerk is responsible for ensuring that citation books are issued in sequential order from the lowest to the highest number.

#### 504.9.3 STORING CITATIONS IN A SECURE AREA

The Police Clerk is responsible for the secured storage of traffic citations.

#### 504.9.4 CITATIONS OR ARREST INFORMATION (CGO 1-2015)

Traffic citations and/or criminal citations at the front counter are not permitted. If a citation needs to be passed from one shift to the next, the officer issuing the citation will personally hand it to a supervisor or the OIC of next shift who will make arrangements to ensure the task is completed. If items need to be transported to the Clerk's Office or the Prosecutor's Office they will be placed inside an envelope so that personal information cannot be seen. The envelope with the citations or arrest information will be sealed and marked with the appropriate location it needs to be delivered to and who placed the items in the envelope. Supervisors/OICs will be notified and ensure the appropriate person is given the task to deliver the mail. Any citations or RCIC print outs found unsecured will result in disciplinary action. Supervisors/OIC will be held equally responsible.

#### 504.9.5 PAPERWORK TO BE CHECKED BY SUPERVISORS (CGO 1-2015)

The Mt. Healthy Police Department has been divided into two work groups Day Watch -0700-1900 and Night Watch -1900-0700. The Sergeant assigned to that shift is responsible for all activity



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associated with the shift regardless of duty status. To assist supervisors in reviewing daily paperwork and activity based on their span of control, two locked mailboxes, marked with the above listed times, are now affixed to the wall next to the Supervisor's Office. Effective immediately, citations, reports, and any work related documents will be dropped in the locked boxes corresponding to the time the document was created. The following are examples of the documents supervisors will review:

- Parking Citations
- Offense Reports
- Traffic Citations
- Misdemeanor Citations
- All paperwork for Municipal Court (unless it is a physical arrest)

If you have multiple documents for one arrest, please make sure they are secured by a paperclip, staple, or in an envelope.

Any items returned to officers for correction will be processed by the officer immediately upon request.

## Disabled Vehicles

### 505.1 PURPOSE AND SCOPE

Law enforcement and other public agencies may develop and adopt a written policy to provide assistance to motorists in disabled vehicles that are within their primary jurisdiction.

### 505.2 OFFICER RESPONSIBILITIES

When an on-duty officer observes a disabled vehicle, the officer should make a reasonable effort to provide assistance. If that officer is assigned to a call of higher priority, the dispatcher should be advised of the location of the disabled vehicle and the need for assistance. The dispatcher should then assign another available officer or other department member to respond as soon as practicable.

### 505.3 MOTORIST ASSISTANCE GENERAL ASSISTANCE

Mount Healthy police officers shall be alert for and, when possible, stop and assist motorists in need of aid. If a police officer observes a motorist in need of assistance, and the officer is in route to, or on a call for service, the officer shall notify the Communications Center of the motorist's location so that a police officer may be dispatched to render assistance. Types of general assistance that may be provided to motorists by Mount Healthy Police Department personnel include:

- Providing information or directions.
- Providing protection to stranded motorists.
- Contacting someone by telephone directly or the Communications Center.
- Transporting stranded motorists with approval of the on-duty shift supervisor.
- Changing flat tires.
- Pushing vehicles out of the roadway
- Vehicle Lock-outs

Under normal circumstances, police officers shall not provide the following types of assistance unless specifically approved by the on-duty shift supervisor:

- Providing mechanical repairs or using vehicles to push start cars.
- Transporting gasoline or other petroleum products.

Police officers shall have the police vehicle's emergency lights activated while providing assistance to, or standing by with a vehicle disabled in the roadway. When assisting motorists, police officers should remain alert to these possibilities:

- The vehicle in the possession of the motorist has not been authorized for their use.
- The vehicle is in unsafe operating condition.

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- The driver is impaired or otherwise not capable of safely operating the vehicle.
- The driver is not properly licensed to drive.
- The vehicle's occupants have been engaged in recent criminal activity.

#### **TOWING/REPAIR SERVICES FOR MOTORISTS**

Police officers may assist motorists in obtaining roadside repair or towing services. When assistance in obtaining such services is requested, the officer should determine if the motorists requested a specific service. If not, the officer should request the Communications Center to notify the next available service on the rotation list. Towing or repair services initiated by the motorist or at the request of the motorist do not require a Vehicle Storage Report.

#### **PROVIDING PROTECTION TO STRANDED MOTORISTS**

Stranded motorists should not be abandoned when exposed to hazardous conditions. Police officers should consider traffic hazards, location, time of day, weather conditions, and priority calls for service when providing assistance to stranded motorists. Police officers may, with the approval of their supervisor, transport stranded motorists to a location where assistance may be obtained.

#### **EMERGENCY ASSISTANCE TO MOTORISTS**

Police officers shall render all practical assistance to motorists who are involved in emergency situations.

Police officers encountering vehicle fires shall:

- Immediately advise the Communications Center of the location, type of vehicle, cargo (if applicable), and any other pertinent information.
- Request that fire/rescue personnel be dispatched.
- If possible, attempt to extinguish the fire.

Police officers encountering medical emergencies shall:

- Determine the nature of the medical emergency.
- Provide all pertinent information to the Communications Center.
- Request EMS personnel when appropriate.
- Render first aid in accordance with the officer's level of training.

#### **505.4 EXTENT OF ASSISTANCE**

In most cases, a disabled motorist will require assistance. After assistance is rendered or arrangements for assistance are made, continued involvement by Department personnel will be contingent on the time of day, the location, the availability of Department resources and the vulnerability of the disabled motorist.

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### 505.4.1 MECHANICAL REPAIRS

Department personnel shall not make mechanical repairs to a disabled vehicle. The use of push bumpers to relocate vehicles to a position of safety or the use of a 12V jump starter is not considered a mechanical repair.

### 505.4.2 RELOCATION OF DISABLED VEHICLES

The relocation of disabled vehicles by members of this department by pushing or pulling a vehicle should only occur when the conditions reasonably indicate that immediate movement is necessary to reduce a hazard presented by the disabled vehicle.

## Abandoned and Overtime Parked Vehicles

### 506.1 PURPOSE AND SCOPE

This policy provides procedures for the removal, recording and storage of abandoned vehicles or overtime parked vehicles on public or private property under the authority of ORC § 4513.60 and ORC § 4513.61.

#### 506.1.1 DEFINITIONS

Definitions related to this policy include:

**Abandoned Junk Vehicle** - A motor vehicle meeting all of the following requirements (ORC § 4513.63):

- The motor vehicle has remained within the right-of-way of any road or highway for 48 hours or longer.
- The motor vehicle is three years old or older.
- The motor vehicle is extensively damaged, including but not limited to, any of the following: missing wheels, tires, motor or transmission.
- The motor vehicle is apparently inoperable.
- The motor vehicle has a fair market value of \$1,500 or less.

### 506.2 MARKING ABANDONED VEHICLES

In Taylor versus the City of Saginaw: Tabitha Hoskins the Sixth Circuit Court of Appeals has issued a ruling that the marking of car tires to determine the amount of time a vehicle is parked is considered a trespass and therefore protected under Fourth Amendment requirements relating to Search and Seizures.

The following procedures are to be used as a guide when officers are conducting investigations relating to overtime parking or in cases requiring tires to be marked.

Whenever officers search, seize, or arrest without a warrant it is considered per-se unreasonable. There are circumstances when officer may, do due to exigent circumstances, take actions which courts will review and ultimately determine the reasonableness of the officer's actions.

Mount Healthy Officers will not randomly mark vehicles or tires. Mount Healthy Officers will, through investigation; attempt to develop probable cause to believe the vehicle's owner is in violation of overtime parking before marking a vehicle. Probable cause may be developed by the receipt of a citizen's complaint or officer's personal observation.

- (a) Officers will prepare an Over Time Parking Report including the complainant's name and contact information utilizing the PAMET system. If the investigation is Officer initiated, the officer will utilize his/her name as the complainant.
  1. A notation will be entered in the Over Time Parking Book documenting the incident and in preparation of towing by Day Shift.

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- (b) Upon receiving or observing a violation the investigating Officer will immediately photograph the vehicle utilizing Body Worn Camera, noting the time and date as described below:
  - 1. Officer will mark a front tire and a rear tire on the street pavement in front of the tire and directly behind the tire. The time and date of marking will be written on the pavement.
  - 2. The markings will be photographed upon marking and again photographed after 72 hours before towing is completed. Photograph evidence and reporting will be included with the citation for presentation during Mayor's Court.
- (c) The Day Watch Supervisor is responsible for oversight of Over Time Parking complaints and ensuring the Overtime Parking Book and documentation required by this directive are prepared and completed before any vehicle is towed.

### **506.3 VEHICLE STORAGE**

#### **506.3.1 PUBLIC PROPERTY**

Any motor vehicle, including an abandoned junk motor vehicle, left on a public street or other property open to the public for purposes of vehicular travel, or upon or within the right-of-way of any road or highway, may be removed if the motor vehicle has been left for 48 hours or longer. When such a motor vehicle constitutes an obstruction to traffic, it may be ordered into storage immediately (ORC § 4513.61).

#### **506.3.2 VEHICLE STORAGE REPORTING**

Any vehicle in violation shall be stored by the authorized towing service or municipal, impound facility and a vehicle impound/storage form shall be completed by the officer authorizing the storage of the vehicle.

The vehicle impound/storage form shall be submitted to the Property Management Officer (PMO) as soon as practicable following the storage of the vehicle. It shall be the responsibility of the PMO to search Ohio Bureau of Motor Vehicles records within five business days of the tow to identify the owner and any lien holder of a motor vehicle ordered into storage. The PMO shall send a notice to the owner and any lien holder that the motor vehicle will be declared a nuisance and disposed of if not claimed within 10 days of the date of mailing the notice (ORC § 4513.61).

## **Chapter 6 - Investigation Operations**

## Investigation and Prosecution

### 600.1 PURPOSE AND SCOPE

The purpose of this policy is to set guidelines and requirements pertaining to the handling and disposition of criminal investigations.

### 600.2 POLICY

It is the policy of the Mount Healthy Police Department to investigate crimes thoroughly and with due diligence, and to evaluate and prepare criminal cases for appropriate clearance or submission to a prosecutor.

### 600.3 PRELIMINARY INVESTIGATION STEPS

#### 600.3.1 OBSERVING ALL CONDITIONS, EVENTS, AND REMARKS

The officer who is responsible for the preliminary investigation shall attempt to obtain pertinent information and discover any solvability factor utilized for continuing or suspending an investigation. The officer shall observe all conditions, events and remarks and if applicable, the officer shall:

- Provide aid to the injured.
- Protect the crime scene to ensure that evidence is not lost or contaminated.
- Determine if an offense has actually been committed and if so, the exact nature of the offense.
- Determine the identity of the suspect or suspects and affect an arrest if it can be accomplished either at the scene or through immediate pursuit.
- Furnish other field units, through the communications system, descriptors, method, and direction of flight and other relevant information concerning wanted persons or vehicles.
- Obtain complete identification of all witnesses.
- Determine what information is known by the victims and witnesses.
- Arrange for the collection of evidence.
- Determine in detail the exact circumstances of the offense.
- Obtain written statements from victims, witnesses and if legally possible, from the suspect.
- Accurately and completely record all information on prescribed report forms.

#### 600.3.2 LOCATING AND IDENTIFYING WITNESSES

An officer conducting a preliminary investigation shall locate and identify witnesses, if applicable. Officers investigating a criminal offense shall at the earliest possible time, locate and identify witnesses who may have information pertinent to the offense under investigation.



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##### **600.3.3 MAINTAINING AND PROTECTING THE CRIME SCENE/ARRANGING FOR THE COLLECTION OF EVIDENCE**

An officer conducting a preliminary investigation shall maintain and protect the crime scene to ensure that evidence is not lost or contaminated. Officers shall also arrange for the collection of evidence.

##### **600.3.4 INTERVIEWING THE COMPLAINANT, WITNESSES, AND SUSPECTS**

An officer conducting a preliminary investigation shall interview the complainant and witnesses to determine what information is known and obtain written and/or oral statements. Such statements shall include information that establishes venue, facts that establish an offense occurred, identifying the perpetrator, and any other such information that may in any manner pertain to the case being investigated.

If an officer conducting a preliminary investigation identifies a suspect and the suspect is on scene or apprehended, the officer conducting a preliminary investigation may conduct an interview of the suspect in compliance with existing and state and federal laws.

##### **600.3.5 CIVILIAN MEMBER RESPONSIBILITIES**

A civilian member assigned to any preliminary investigation is responsible for all investigative steps, except making any attempt to locate, contact or interview a suspect face-to-face or take any enforcement action. Should an initial investigation indicate that those steps are required, the assistance of an officer shall be requested.

#### **600.4 CUSTODIAL INTERROGATION REQUIREMENTS**

Suspects who are in custody and subjected to an interrogation shall be given the *Miranda* warning, unless an exception applies. Interview or interrogation of a juvenile shall be in accordance with the Temporary Custody of Juveniles Policy.

##### **600.4.1 AUDIO/VIDEO RECORDINGS**

Any custodial interrogation of an individual who is suspected of having committed any violent felony offense should be recorded (audio or video with audio as available) in its entirety. Regardless of where the interrogation occurs, every reasonable effort should be made to secure functional recording equipment to accomplish such recordings.

Consideration should also be given to recording a custodial interrogation, or any investigative interview, for any other offense when it is reasonable to believe it would be appropriate and beneficial to the investigation and is otherwise allowed by law.

If a person is suspected of committing a violation of any offense enumerated in ORC § 2933.81, officers should both audio and video record, in its entirety, any custodial interrogation occurring at the station, a jail or other place of detention (ORC § 2933.81).

No recording of a custodial interrogation should be destroyed or altered without written authorization from the prosecuting attorney and the Investigation Section supervisor. Copies of recorded interrogations or interviews may be made in the same or a different format as the original

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recording, provided the copies are true, accurate and complete and are made only for authorized and legitimate law enforcement purposes.

Recordings should not take the place of a thorough report and investigative interviews. Written statements from suspects should continue to be obtained when applicable.

#### **600.4.2 RECORD KEEPING AND RETENTION REQUIREMENTS**

Electronic recordings of custodial interrogations shall be clearly labeled and retained as required by ORC § 2933.81(D).

#### **600.4.3 REQUIRED RECORDING OF INDIVIDUALS**

Both audio and video recording of custodial interrogations is statutorily required when an individual is suspected of committing a violation of any offense enumerated in ORC § 2933.81 and the interrogation occurs at the station, a jail, or other place of detention except when (ORC § 2933.81):

- (a) The suspect requests that the interrogation not be recorded. Any such request shall be preserved in a recording or in writing.
- (b) The recording equipment malfunctions.
- (c) There are exigent circumstances related to public safety.
- (d) The interrogation occurs outside of the state.
- (e) The statements are made during routine processing or booking.
- (f) The statements are made spontaneously and not in response to interrogation.

#### **600.5 COLD CASE REGISTER**

The Department should maintain a confidential cold case register for offenses, including homicides and felony sexual offenses that have remained unsolved for more than one year. As reasonably practicable, cold cases should be revisited periodically for new information.

The Investigation Section should submit cold cases to the Ohio Bureau of Criminal Investigation (BCI), which will provide investigative support in accordance with the BCI's Unresolved Homicide Initiative.

#### **600.6 DISCONTINUATION OF INVESTIGATIONS**

The investigation of a criminal case or efforts to seek prosecution should only be discontinued if one of the following applies:

- (a) All reasonable investigative efforts have been exhausted, no reasonable belief that the person who committed the crime can be identified, and the incident has been documented appropriately.
- (b) The perpetrator of a misdemeanor has been identified and a warning is the most appropriate disposition.
  - 1. In these cases, the investigator shall document that the person was warned and why prosecution was not sought.

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2. Warnings shall not be given for felony offenses or other offenses identified in this policy or by law that require an arrest or submission of a case to a prosecutor.
- (c) The case has been submitted to the appropriate prosecutor but no charges have been filed. Further investigation is not reasonable nor has the prosecutor requested further investigation.
- (d) The case has been submitted to the appropriate prosecutor, charges have been filed, and further investigation is not reasonable, warranted or requested, and there is no need to take the suspect into custody.
- (e) Suspects have been arrested, there are no other suspects, and further investigation is either not warranted or requested.
- (f) Investigation has proven that a crime was not committed (see the Sexual Assault Investigations Policy for special considerations in these cases).

The Domestic Violence, Child Abuse, Sexual Assault Investigations and Adult or Vulnerable Person Abuse policies may also require an arrest or submittal of a case to a prosecutor.

#### **600.7 COMPUTERS AND DIGITAL EVIDENCE**

The collection, preservation, transportation and storage of computers, cell phones and other digital devices may require specialized handling to preserve the value of the related evidence. If it is anticipated that computers or similar equipment will be seized, officers should request that computer forensic examiners assist with seizing computers and related evidence. If a forensic examiner is unavailable, officers should take reasonable steps to prepare for such seizure and use the resources that are available.

#### **600.8 INVESTIGATIVE USE OF SOCIAL MEDIA AND INTERNET SOURCES**

Use of social media and any other Internet source to access information for the purpose of criminal investigation shall comply with applicable laws and policies regarding privacy, civil rights and civil liberties. Information gathered via the Internet should only be accessed by members while on-duty and for purposes related to the mission of this department. If a member encounters information relevant to a criminal investigation while off-duty or while using his/her own equipment, the member should note the dates, times and locations of the information and report the discovery to his/her supervisor as soon as practicable. The member, or others who have been assigned to do so, should attempt to replicate the finding when on-duty and using department equipment.

Information obtained via the Internet should not be archived or stored in any manner other than department-established record keeping systems (see the Records Maintenance and Release and Criminal Organizations policies).

##### **600.8.1 ACCESS RESTRICTIONS**

Information that can be accessed from any department computer, without the need of an account, password, email address, alias or other identifier (unrestricted websites), may be accessed and used for legitimate investigative purposes without supervisory approval.

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Accessing information from any Internet source that requires the use or creation of an account, password, email address, alias or other identifier, or the use of nongovernment IP addresses, requires supervisor approval prior to access. The supervisor will review the justification for accessing the information and consult with legal counsel as necessary to identify any policy or legal restrictions. Any such access and the supervisor approval shall be documented in the related investigative report.

Accessing information that requires the use of a third party's account or online identifier requires supervisor approval and the consent of the third party. The consent must be voluntary and shall be documented in the related investigative report.

Information gathered from any Internet source should be evaluated for its validity, authenticity, accuracy and reliability. Corroborative evidence should be sought and documented in the related investigative report.

Any information collected in furtherance of an investigation through an Internet source should be documented in the related report. Documentation should include the source of information and the dates and times that the information was gathered.

#### **600.8.2 INTERCEPTING ELECTRONIC COMMUNICATION**

Intercepting social media communications in real time may be subject to federal and state wiretap laws. Officers should seek legal counsel before any such interception.

#### **600.9 MODIFICATION OF CHARGES FILED**

Members are not authorized to recommend to the prosecutor or to any other official of the court that charges on a pending case be amended or dismissed without the authorization of a Sergeant or the Chief of Police. Any authorized request to modify the charges or to recommend dismissal of charges shall be made to the prosecutor.

#### **600.10 SCRAP METAL THEFT**

To assist in scrap metal theft investigations, the Investigation Section supervisor shall provide scrap metal dealers in this jurisdiction with an electronically searchable list of the names, descriptions and conviction information of persons known to be thieves or receivers of stolen property. A list may be requested from the appropriate clerk of the court or prepared pursuant to rules adopted by the Ohio Department of Public Safety (DPS). The list shall also be provided to DPS in the format and manner described in OAC § 4501:5-3-01. Following the initial submission of the list, if there are any updates, a new list shall be submitted to dealers and DPS on the first business day of each month (ORC § 4737.04; OAC § 4501:5-3-01).

An individual included on the list prepared by this department may request that his/her name be removed by filing an application with the Investigation Section. The Investigation Section supervisor or the authorized designee shall remove the applicant's name from the list if the individual has not been convicted of, or pleaded guilty to, either of the following (ORC § 4737.04):

- (a) A misdemeanor theft offense, as defined in ORC § 2913.01, within three years immediately prior to the date of the application

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- (b) A felony theft offense within six years immediately prior to the date of the application

#### **600.11 ACCESS TO COUNSEL**

The Mt. Healthy Police Department is unable to provide counsel to person(s). The Hamilton County Public Defender provides legal representation for indigent adults and juveniles who are charged with the commission of an offense or act that is in violation of a statute of the State of Ohio for which the penalty or possible adjudication includes the potential loss of liberty and or post conviction proceedings as defined in [Ohio Revised Code \(ORC\) Section 120.16\(A\)\(1\)](#).

If counsel is requested during a custodial interview, all questioning will cease. Access to a telephone and contact information will be provided for the Hamilton County Public Defender.

# Sexual Assault Investigations

## 601.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for the investigation of sexual assaults. These guidelines will address some of the unique aspects of such cases and the effects that these crimes have on the victims.

Mandatory notifications requirements are addressed in the Child Abuse and Adult or Vulnerable Person Abuse policies.

### 601.1.1 DEFINITIONS

Definitions related to this policy include:

**Sexual assault** - Any crime or attempted crime of a sexual nature, to include but not limited to offenses defined in Title 29, Chapter 2907 (Sex Offenses).

**Sexual Assault Response Team (SART)** - A multidisciplinary team generally comprised of advocates; law enforcement officers; forensic medical examiners, including sexual assault forensic examiners (SAFEs) or sexual assault nurse examiners (SANEs) if possible; forensic laboratory personnel; and prosecutors. The team is designed to coordinate a broad response to sexual assault victims.

## 601.2 POLICY

It is the policy of the Mount Healthy Police Department that its members, when responding to reports of sexual assaults, will strive to minimize the trauma experienced by the victims, and will aggressively investigate sexual assaults, pursue expeditious apprehension and conviction of perpetrators, and protect the safety of the victims and the community.

## 601.3 QUALIFIED INVESTIGATORS

Qualified investigators should be available for assignment of sexual assault investigations. These investigators should:

- (a) Have specialized training in, and be familiar with, interview techniques and the medical and legal issues that are specific to sexual assault investigations (ORC § 2907.30).
- (b) Conduct follow-up interviews and investigation.
- (c) Present appropriate cases of alleged sexual assault to the prosecutor for review.
- (d) Coordinate with other enforcement agencies, social service agencies and medical personnel as needed.
- (e) Provide referrals to therapy services, victim advocates and support for the victim.
- (f) Participate in or coordinate with other multidisciplinary investigative teams as applicable.

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##### **601.4 REPORTING**

In all reported or suspected cases of sexual assault, a report should be written and assigned for follow-up investigation. This includes incidents in which the allegations appear unfounded or unsubstantiated.

##### **601.5 RELEASING INFORMATION TO THE PUBLIC**

In cases where the perpetrator is not known to the victim, and especially if there are multiple crimes where more than one appear to be related, consideration should be given to releasing information to the public whenever there is a reasonable likelihood that doing so may result in developing helpful investigative leads. The Investigation Section supervisor should weigh the risk of alerting the suspect to the investigation with the need to protect the victim and the public, and to prevent more crimes.

##### **601.6 TRAINING**

Subject to available resources, periodic training will be provided to:

- (a) Members who are first responders. This includes but is not limited to:
  1. Initial response to sexual assaults.
  2. Legal issues.
  3. Victim advocacy.
  4. Victim's response to trauma.
- (b) Qualified investigators who should receive advanced training on additional topics. This includes but is not limited to:
  1. Interviewing sexual assault victims.
  2. SART or multidisciplinary response team.
  3. Medical and legal aspects of sexual assault investigations.
  4. Serial crimes investigations.
  5. Use of community and other federal and state investigative resources, such as the Violent Criminal Apprehension Program (ViCAP).
  6. Techniques for communicating with victims to minimize trauma (ORC § 2907.30).

##### **601.7 VICTIM INTERVIEWS**

The primary considerations in sexual assault investigations, which begin with the initial call to the Communications Center, should be the health and safety of the victim, the preservation of evidence, and preliminary interviews to determine if a crime has been committed and to attempt to identify the suspect.

Whenever possible, a member of the SART should be included in the initial victim interviews.

An in-depth follow-up interview should not be conducted until after the medical and forensic examinations are completed and the personal needs of the victim have been met (e.g., change

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of clothes, bathing). The follow-up interview may be delayed to the following day based upon the circumstances. Whenever practicable, the follow-up interview should be conducted by a qualified investigator (ORC § 2907.30).

No opinions of whether the case is unfounded shall be included in the report.

Victims shall not be asked or required to take a polygraph examination (34 USC § 10451; ORC § 2907.10).

Victims should be apprised of applicable victim's rights provisions, as outlined in the Victim and Witness Assistance Policy.

#### **601.8 COLLECTION AND TESTING OF BIOLOGICAL EVIDENCE**

Whenever possible, a SART member should be involved in the collection of forensic evidence from the victim.

When the facts of the case indicate that collection of biological evidence is warranted, it should be collected regardless of how much time has elapsed since the reported assault. If a drug-facilitated sexual assault is suspected, urine and blood samples should be collected from the victim as soon as practicable.

Subject to requirements set forth in this policy, biological evidence from all sexual assault cases, including cases where the suspect is known by the victim, should be submitted for testing.

Victims who choose not to assist with an investigation, do not desire that the matter be investigated, or wish to remain anonymous may still consent to the collection of evidence under their control. In these circumstances, the evidence should be collected and stored appropriately.

##### **601.8.1 COLLECTION AND TESTING REQUIREMENTS**

Members investigating sexual assaults or handling related evidence are required to do the following:

- (a) Submit biological evidence to the appropriate crime laboratory within thirty days for a DNA analysis after it has been determined that any of the following offenses have occurred (ORC § 2933.82; OAC § 109:7-1-07):
  1. A rape offense (ORC § 2907.02).
  2. A sexual battery offense (ORC § 2907.03).
  3. Gross sexual imposition with a victim less than 13 years of age (ORC § 2907.05).
  4. Any sexual assault involving a homicide or an attempted homicide offense (ORC § 2907.02).
  5. Any sexual assault related to human trafficking (ORC § 2905.32).
- (b) Facilitate the testing of a suspect for disease as set forth in ORC § 2907.27 upon the request of a victim or the prosecutor.



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- (c) Log and update information relating to sexual assault evidence kits into the state tracking system as required by OAC § 109:7-1-07 (e.g., receiving a kit, forwarding a kit to a laboratory, a change in the status of the case).

Additional guidance regarding evidence retention and destruction is found in the Property Management Policy.

#### **601.8.2 DNA TEST RESULTS**

Members investigating sexual assault cases should notify victims of any DNA test results as soon as reasonably practicable.

A SART member should be consulted regarding the best way to deliver biological testing results to a victim so as to minimize victim trauma, especially in cases where there has been a significant delay in getting biological testing results (e.g., delays in testing the evidence or delayed DNA databank hits). Members should make reasonable efforts to assist the victim by providing available information on local assistance programs and organizations as provided in the Victim and Witness Assistance Policy.

Members investigating sexual assaults cases should ensure that DNA results are entered into databases when appropriate and as soon as practicable.

#### **601.9 DISPOSITION OF CASES**

If the assigned investigator has reason to believe the case is without merit, the case may be classified as unfounded only upon review and approval of the Investigation Section supervisor.

Classification of a sexual assault case as unfounded requires the Investigation Section supervisor to determine that the facts have significant irregularities with reported information and that the incident could not have happened as it was reported. When a victim has recanted his/her original statement, there must be corroborating evidence that the allegations were false or baseless (i.e., no crime occurred) before the case should be determined as unfounded.

#### **601.10 CASE REVIEW**

The Investigation Section supervisor should ensure cases are reviewed on a periodic basis, at least annually, using an identified group that is independent of the investigation process. The reviews should include an analysis of:

- (a) Case dispositions.
- (b) Decisions to collect biological evidence.
- (c) Submissions of biological evidence for lab testing.

Summary reports on these reviews should be forwarded through the chain of command to the Chief of Police.

## Asset Forfeiture

### 602.1 PURPOSE AND SCOPE

This policy describes the authority and procedure for the seizure, forfeiture and liquidation of property associated with designated offenses.

#### 602.1.1 DEFINITIONS

Definitions related to this policy include:

**Fiscal agent** - The person designated by the Chief of Police to be responsible for securing and maintaining seized assets and distributing any proceeds realized from any forfeiture proceedings. This includes any time the Mount Healthy Police Department seizes property for forfeiture or when the Mount Healthy Police Department is acting as the fiscal agent pursuant to a multi-agency agreement.

**Forfeiture** - The process by which legal ownership of an asset is transferred to a government or other authority.

**Forfeiture reviewer** - The department member assigned by the Chief of Police who is responsible for reviewing all forfeiture cases and acting as the liaison between the Department and the assigned attorney.

**Property subject to forfeiture** - Includes the following (ORC § 2981.02; ORC § 2981.04; ORC § 2981.05):

- (a) Contraband involved in an offense.
- (b) Proceeds derived from or acquired through the commission of an offense.
- (c) An instrumentality that is used in, or intended to be used in, the commission or facilitation of any of the following offenses:
  1. A felony.
  2. A misdemeanor, when forfeiture is specifically authorized by a section of the Ohio Revised Code, or by a municipal ordinance that creates the offense or sets forth its penalties.
  3. An attempt to commit, complicity in committing or a conspiracy to commit either of the above.

**Seizure** - The act of law enforcement officials taking property, cash or assets that have been used in connection with or acquired by specified illegal activities.

### 602.2 POLICY

The Mount Healthy Police Department recognizes that appropriately applied forfeiture laws are helpful to enforce the law, deter crime and reduce the economic incentive of crime. However, the

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potential for revenue should never compromise the effective investigation of criminal offenses, officer safety or any person's due process rights.

It is the policy of the Mount Healthy Police Department that all members, including those assigned to internal or external law enforcement task force operations, shall comply with all state and federal laws pertaining to forfeiture. Forfeiture applications shall be processed in a uniform and efficient manner through the Federal Bureau of Investigation (FB) and the Hamilton County Prosecutor's Office of seized property

All property seized by or forfeited to the Mt. Healthy Police Department will be processed by authorized personnel. Department personnel will not seize currency from any citizen absent a criminal charge or pending criminal charge and probable cause to believe such currency is contraband, as defined in the Ohio Revised Code Section 2901.01 (A)(13), or evidence of a crime. The only exception to making a seizure absent a criminal charge or a pending criminal charge is when a Department Federal Task Force Officer (TFO) is involved and working with Federal authorities. Department personnel will not use, or condone the use of any bias based profiling in asset seizure and forfeiture efforts.

#### ***Information:***

Both federal law and the Ohio Revised Code (ORC) provide for forfeiture, to the Police Department, of all property used in and the proceeds gained from the commission of a felony drug offense.

In addition, the ORC provided for forfeiture, to the Police Department, of personal property and money considered contraband because of its use in any offense or a conspiracy to commit any offense.

Motor vehicles are only forfeitable if used in a felony offense. However, motor vehicles can be ordered forfeited by, Municipal Court, by an agreed order of forfeiture in connection with a plea agreement.

### **602.3 ASSET SEIZURE**

Property may be seized for forfeiture as provided in this policy.

#### **602.3.1 PROPERTY SUBJECT TO SEIZURE**

The following may be seized upon review and approval of a supervisor and in coordination with the forfeiture reviewer:

- (a) Property subject to forfeiture identified in a search warrant or court order.
- (b) Property subject to forfeiture that is not the subject of a court order but for which an officer has probable cause to believe qualifies as property subject to forfeiture (ORC § 2981.03).

Whenever practicable, obtaining a search warrant or court order for seizure prior to making a seizure is the preferred method. Real property shall only be seized by court order unless an immediate need to protect the public exists (ORC § 2981.03).

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A large amount of money standing alone is insufficient to establish the probable cause required to make a seizure.

#### 602.3.2 PROPERTY NOT SUBJECT TO SEIZURE

The following property should not be seized for forfeiture:

- (a) Cash and property that does not meet the forfeiture counsel's current minimum forfeiture thresholds should not be seized.
- (b) Property that reasonably appears to the officer to have a value disproportionate to the severity of the crime considering the impact of the offense on the community, the extent to which the owners participated in the offense and whether the offense was completed or attempted (ORC § 2981.09).

When deciding to seize property as an alleged instrumentality of a crime under ORC Chapter 2981.02, officers should consider:

- Whether the offense could not have been committed or attempted but for the presence of the property.
- Whether the primary purpose in using the property was to commit or attempt to commit the offense, and
- The extent to which the property furthered the offense.

#### 602.4 PROCESSING SEIZED PROPERTY FOR FORFEITURE PROCEEDINGS

When property or cash subject to this policy is seized, the officer making the seizure should ensure compliance with the following:

- (a) Complete the applicable seizure forms and present the appropriate copy to the person from whom the property is seized. If cash or property is seized from more than one person, a separate copy must be provided to each person, specifying the items seized. When property is seized and no one claims an interest in the property, the officer must leave the copy in the place where the property was found, if it is reasonable to do so.
- (b) Complete and submit a report and original seizure forms within 24 hours of the seizure, if practicable.
- (c) Forward the original seizure forms and related reports to the forfeiture reviewer within two days of seizure.

The officer will book seized property as evidence with the notation in the comment section of the property form, "Seized Subject to Forfeiture." Evidence seized and subject to forfeiture should be packaged individually and separately from all other evidence.

Photographs should be taken of items seized, particularly cash, jewelry and other valuable items.

Officers who suspect property may be subject to seizure but are not able to seize the property (e.g., the property is located elsewhere, the whereabouts of the property is unknown, it is real

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estate, bank accounts, non-tangible assets) should document and forward the information in the appropriate report to the forfeiture reviewer.

#### **602.5 MAINTAINING SEIZED PROPERTY**

The Property Management supervisor is responsible for ensuring compliance with the following:

- (a) All property received for forfeiture is reasonably secured and properly stored to prevent waste and preserve its condition.
- (b) All property received for forfeiture is checked to determine if the property has been stolen.
- (c) All property received for forfeiture is retained in the same manner as evidence until forfeiture is finalized or the property is returned to the claimant or the person with an ownership interest.
- (d) Property received for forfeiture is not used by the Department unless the forfeiture action has been completed.

#### **602.6 FORFEITURE REVIEWER**

The Chief of Police will appoint a forfeiture reviewer. Prior to assuming duties or as soon as practicable thereafter, the forfeiture reviewer should attend a course approved by the Department on asset forfeiture.

The responsibilities of the forfeiture reviewer include:

- (a) Remaining familiar with forfeiture laws, particularly ORC § 2981.01 et seq., ORC § 2923.32 and ORC § 2925.42, and the forfeiture policies of the forfeiture counsel.
- (b) Serving as the liaison between the Department and the forfeiture counsel and ensuring prompt legal review of all seizures.
- (c) Making reasonable efforts to obtain annual training that includes best practices in pursuing, seizing and tracking forfeitures.
- (d) Reviewing each seizure-related case and deciding whether the seizure is more appropriately made under state or federal seizure laws. The forfeiture reviewer should contact federal authorities when appropriate.
  - 1. Restrictions on transfers or referrals exist unless property exceeds \$100,000 or relates to a federal criminal forfeiture proceedings (ORC § 2981.14).
- (e) Ensuring that responsibilities, including the designation of a fiscal agent, are clearly established whenever multiple agencies are cooperating in a forfeiture case.
- (f) Ensuring that seizure forms are available and appropriate for department use. These should include notice forms, a receipt form and a checklist that provides relevant guidance to officers. The forms should be available in languages appropriate for the region and should contain spaces for:

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1. Names and contact information for all relevant persons and law enforcement officers involved.
  2. Information as to how ownership or other property interests may have been determined (e.g., verbal claims of ownership, titles, public records).
  3. A space for the signature of the person from whom cash or property is being seized.
  4. A tear-off portion or copy, which should be given to the person from whom cash or property is being seized, that includes the legal authority for the seizure, information regarding the process to contest the seizure and a detailed description of the items seized.
- (g) Ensuring that officers who may be involved in asset forfeiture receive training in the proper use of the seizure forms and the forfeiture process. The training should be developed in consultation with the appropriate legal counsel and may be accomplished through traditional classroom education, electronic media, Daily Training Bulletins (DTBs) or Departmental Directives. The training should cover this policy and address any relevant statutory changes and court decisions.
- (h) Reviewing each asset forfeiture case to ensure that:
1. Written documentation of the seizure and the items seized is in the case file.
  2. Independent legal review of the circumstances and propriety of the seizure is made in a timely manner.
  3. Notice of seizure has been given in a timely manner to those who hold an interest in the seized property (ORC § 2981.03; ORC § 2981.11).
  4. Property is promptly released to those entitled to its return.
  5. All changes to forfeiture status are forwarded to any supervisor who initiates a forfeiture case.
  6. Any cash received is deposited with the fiscal agent.
  7. Assistance with the resolution of ownership claims and the release of property to those entitled is provided.
  8. Current minimum forfeiture thresholds are communicated appropriately to officers.
  9. This policy and any related policies are periodically reviewed and updated to reflect current federal and state statutes and case law.
- (i) Ensuring that a written plan is available that enables the Chief of Police to address any extended absence of the forfeiture reviewer, thereby ensuring that contact information

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for other law enforcement officers and attorneys who may assist in these matters is available.

- (j) Ensuring that the Department disposes of property as provided by law following any forfeiture.
- (k) Ensuring that the process of selling or adding forfeited property to the department's regular inventory is in accordance with all applicable laws and consistent with the department's use and disposition of similar property.
- (l) Upon completion of any forfeiture process, ensuring that no property is retained by the Mount Healthy Police Department unless the Chief of Police authorizes in writing the retention of the property for official use.

Forfeiture proceeds should be maintained in a separate fund or account subject to appropriate accounting control, with regular reviews or audits of all deposits and expenditures.

Forfeiture reporting and expenditures should be completed in the manner prescribed by the law and City financial directives (ORC § 2981.11).

#### **602.7 DISPOSITION OF FORFEITED PROPERTY**

Assets forfeited shall be disposed of as set forth in ORC § 2981.12 and ORC § 2981.13.

No member of this department may use property that has been seized for forfeiture until the forfeiture action has been completed and the Chief of Police has given written authorization to retain the property for official use. No department member involved in the decision to seize property should be involved in any decision regarding the disposition of the property.

#### **602.8 RECORDS REQUIREMENTS**

Detailed records related to the amount of forfeited property acquired by the Department under ORC Chapter 2981 and the date the property was acquired shall be kept and open to public inspection (ORC § 2981.11).

Detailed records of the disposition of acquired property shall be kept and open to public inspection. These shall include, but not be limited to (ORC § 2981.11):

- (a) The manner in which property was disposed, the date of disposition, detailed financial records concerning any property sold and the name of any person who received the property. The record shall not identify or enable identification of the individual officer who seized any item of property.
- (b) The general types of expenditures made with amounts that are gained from the sale of the property and that are retained by the department, including the specific amount expended on each general type of expenditure, except for the identification of any specific expenditure that is made in an ongoing investigation.

## Informants

### 603.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the use of informants.

#### 603.1.1 DEFINITIONS

Definitions related to this policy include:

**Informant** - A person who covertly interacts with other individuals or suspects at the direction of, request of, or by agreement with the Mount Healthy Police Department for law enforcement purposes. This also includes a person agreeing to supply information to the Mount Healthy Police Department for a benefit (e.g., a quid pro quo in the form of a reduced criminal penalty, money).

### 603.2 POLICY

The Mount Healthy Police Department recognizes the value of informants to law enforcement efforts and will strive to protect the integrity of the informant process. It is the policy of this department that all funds related to informant payments will be routinely audited and that payments to informants will be made according to the criteria outlined in this policy.

### 603.3 USE OF INFORMANTS

#### 603.3.1 INCLUSION OF INFORMANTS IN A MASTER FILE

All confidential informants shall be registered and included in a department master file of confidential informants. All confidential informants shall be registered utilizing the Informant Registration sheet. When the confidential informant is assigned a code name or number, the information shall be available only to the Detective, Supervisor, the investigating Officer and the Officer registering the informant. Informants, may be directed to DART where they will be added to their master file.

All informants are required to sign and abide by the provisions of the designated department informant agreement. The officer using the informant shall discuss each of the provisions of the agreement with the informant.

Details of the agreement are to be approved in writing by a supervisor before being finalized with the informant.

#### 603.3.2 INFORMANT FILE CONTENTS

Confidential informant files shall contain:

- A picture and/or fingerprints of the confidential informant.
- Prior arrest/criminal activity, if any.
- Personal History.
- Addresses Prior and Present.
- Alias names



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- A log of information gained and its reliability.
- Names, dates and disposition of arrests made through the utilization of the informants information.
- An accurate record of money paid to the confidential information with appropriate documentation.
- Code name or number, if applicable.

#### 603.3.3 MAINTENANCE AND SECURITY OF INFORMANT FILES

The Detective shall be responsible for the maintenance and security of the confidential informant master file. The Detective shall be responsible for updating the confidential informant file as well as, maintaining the file in a locked cabinet.

#### 603.3.4 METHODS TO PROTECT THE IDENTITY OF CONFIDENTIAL INFORMANTS

To maintain the integrity of the informant process, the following must be adhered to:

- (a) The identity of an informant acting in a confidential capacity shall not be withheld from the Chief of Police, Sergeant, DART supervisor or their authorized designees.
  1. Identities of informants acting in a confidential capacity shall otherwise be kept confidential.
- (b) Criminal activity by informants shall not be condoned.
- (c) Informants shall be told they are not acting as police officers, employees or agents of the Mount Healthy Police Department, and that they shall not represent themselves as such.

#### 603.3.5 CRITERIA FOR PAYING INFORMANTS

No informant will be told in advance or given an exact amount or percentage for his/her service. The amount of funds to be paid to any informant will be evaluated against the following criteria:

- The extent of the informant's personal involvement in the case
- The significance, value or effect on crime
- The value of assets seized
- The quantity of the drugs or other contraband seized
- The informant's previous criminal activity
- The level of risk taken by the informant

#### 603.3.6 INFORMANT SAFETY

The first priority in agency operational decisions and actions regarding the use of confidential informants is to preserve the safety of the confidential informant/ sources, law enforcement personnel, the target, and the public. The informant/source must be advised of conditions, restrictions, and procedures associated with participating in any activities.

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Before using an individual as an informant, an officer must receive approval from his/her supervisor. The officer shall compile sufficient information through a background investigation and experience with the informant in order to determine the suitability of the individual, including age, maturity and risk of physical harm, as well as any indicators of his/her reliability and credibility.

Members of this department should not guarantee absolute safety or confidentiality to an informant.

#### 603.3.7 PRECAUTIONS TO BE TAKEN WITH INFORMANTS

- (a) The relationship between department members and informants shall always be ethical and professional.
  - 1. Members shall not become intimately involved with an informant.
  - 2. Social contact shall be avoided unless it is necessary to conduct an official investigation, and only with prior approval of the DART supervisor.
  - 3. Members shall neither solicit nor accept gratuities or engage in any private business transaction with an informant.
- (b) Officers shall not meet with informants in a private place unless accompanied by at least one additional officer or with prior approval of the DART supervisor.
  - 1. Officers may meet informants alone in an occupied public place, such as a restaurant.
- (c) When contacting informants for the purpose of making payments, officers shall arrange for the presence of another officer.
- (d) In all instances when department funds are paid to informants, a voucher shall be completed in advance, itemizing the expenses.
- (e) Since the decision rests with the appropriate prosecutor, officers shall not promise that the informant will receive any form of leniency or immunity from criminal prosecution.
- (f) Keeping accurate records of all monetary transactions, information and meetings.
- (g) Keeping control of the location of the meetings.

#### 603.3.8 JUVENILE INFORMANTS

The use of informants under the age of 13 is prohibited. Whenever an officer has personal contact with a juvenile informant of the opposite sex, the officer will have another officer present.

In all cases, a juvenile 13 years of age or older may only be used as an informant with the written consent of each of the following:

- (a) The juvenile's parents or legal guardians
- (b) The juvenile's attorney, if any
- (c) The court in which the juvenile's case is being handled, if applicable
- (d) The Chief of Police or the authorized designee

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#### **603.4 UNSUITABLE INFORMANTS**

The suitability of any informant should be considered before engaging him/her in any way in a covert or other investigative process. Members who become aware that an informant may be unsuitable will notify the supervisor, who will initiate a review to determine suitability. Until a determination has been made by a supervisor, the informant should not be used by any member. The supervisor shall determine whether the informant should be used by the Department and, if so, what conditions will be placed on his/her participation or any information the informant provides. The supervisor shall document the decision and conditions in file notes and mark the file "unsuitable" when appropriate.

Considerations for determining whether an informant is unsuitable include, but are not limited to, the following:

- (a) The informant has provided untruthful or unreliable information in the past.
- (b) The informant behaves in a way that may endanger the safety of an officer.
- (c) The informant reveals to suspects the identity of an officer or the existence of an investigation.
- (d) The informant appears to be using his/her affiliation with this department to further criminal objectives.
- (e) The informant creates officer-safety issues by providing information to multiple law enforcement agencies simultaneously, without prior notification and approval of each agency.
- (f) The informant engages in any other behavior that could jeopardize the safety of officers or the integrity of a criminal investigation.
- (g) The informant commits criminal acts subsequent to entering into an informant agreement.

#### **603.5 REPORTING OF PAYMENTS**

Each informant receiving a cash payment shall be advised of his/her responsibility to report the cash to the Internal Revenue Service (IRS) as income. If funds distributed exceed \$600 in any reporting year, the informant should be provided IRS Form 1099 (26 CFR 1.6041-1). If such documentation or reporting may reveal the identity of the informant and by doing so jeopardize any investigation, the safety of officers or the safety of the informant (26 CFR 1.6041-3), then IRS Form 1099 should not be issued.

In such cases, the informant shall be provided a letter identifying the amount he/she must report on a tax return as "other income" and shall be required to provide a signed acknowledgement of receipt of the letter. The completed acknowledgement form and a copy of the letter shall be retained in the informant's file.

#### **603.6 AUDIT OF PAYMENTS**

The DART supervisor or the authorized designee shall be responsible for compliance with any audit requirements associated with grant provisions and applicable state and federal law.

## Eyewitness Identification

### 604.1 PURPOSE AND SCOPE

This policy sets forth guidelines to be used when members of this department employ eyewitness identification techniques (ORC § 2933.83).

#### 604.1.1 DEFINITIONS

Definitions related to the policy include:

**Eyewitness identification process** - Any field identification, live lineup or photographic identification.

**Field identification** - A live presentation of a single individual to a witness following the commission of a criminal offense for the purpose of identifying or eliminating the person as the suspect.

**Live lineup** - A live presentation of individuals to a witness for the purpose of identifying or eliminating an individual as the suspect.

**Photographic lineup** - Presentation of photographs to a witness for the purpose of identifying or eliminating an individual as the suspect.

### 604.2 POLICY

The Mount Healthy Police Department will strive to use eyewitness identification techniques, when appropriate, to enhance the investigative process and will emphasize identifying persons responsible for crime and exonerating the innocent.

### 604.3 INTERPRETIVE SERVICES

Members should make a reasonable effort to arrange for an interpreter before proceeding with eyewitness identification if communication with a witness is impeded due to language or hearing barriers.

Before the interpreter is permitted to discuss any matter with the witness, the investigating member should explain the identification process to the interpreter. Once it is determined that the interpreter comprehends the process and can explain it to the witness, the eyewitness identification may proceed as provided for within this policy.

### 604.4 EYEWITNESS IDENTIFICATION PROCESS AND FORM

The Investigation Section supervisor shall be responsible for the development and maintenance of an eyewitness identification process for use by members when they are conducting eyewitness identifications.

The process should include appropriate forms or reports that provide (ORC § 2933.83):

- (a) The date, time and location of the eyewitness identification procedure.
- (b) The name and identifying information of the witness.

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- (c) The name of the person administering the identification procedure.
- (d) If applicable, the names of all of the individuals present during the identification procedure.
- (e) An instruction to the witness that it is as important to exclude innocent persons as it is to identify a perpetrator.
- (f) An instruction to the witness that the perpetrator may or may not be among those presented and that the witness is not obligated to make an identification.
  - 1. If applicable, the member shall advise the witness that the member does not know who the suspect is.
- (g) If the identification process is a photographic or live lineup, an instruction to the witness that the perpetrator may not appear exactly as he/she did on the date of the incident.
- (h) An instruction to the witness that the investigation will continue regardless of whether an identification is made by the witness.
- (i) A signature line where the witness acknowledges that he/she understands the identification procedures, instructions and any results.
- (j) A statement from the witness in the witness's own words describing how certain he/she is of the identification or non-identification. This statement should be taken at the time of the identification procedure.
- (k) Any witness identification of one or more fillers in the lineup.
- (l) Other process direction adopted by the Ohio Attorney General under ORC § 2933.831.

The process and related forms should be reviewed at least annually and modified when necessary.

#### **604.5 EYEWITNESS IDENTIFICATION**

Members are cautioned not to, in any way, influence a witness as to whether any subject or photo presented in a lineup is in any way connected to the case. Members should avoid mentioning that:

- The individual was apprehended near the crime scene.
- The evidence points to the individual as the suspect.
- Other witnesses have identified or failed to identify the individual as the suspect.

In order to avoid undue influence, witnesses should view suspects or a lineup individually and outside the presence of other witnesses. Witnesses should be instructed to avoid discussing details of the incident or of the identification process with other witnesses.

Whenever feasible, the eyewitness identification procedure should be audio and/or video recorded and the recording should be retained according to current evidence procedures (ORC § 2933.83).

#### **604.6 PHOTOGRAPHIC AND LIVE LINEUP CONSIDERATIONS**

When practicable, the member presenting the lineup should not be involved in the investigation of the case or know the identity of the suspect. In no case should the member presenting a lineup to a witness know which photograph or person in the lineup is being viewed by the witness. Techniques

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to achieve this include randomly numbering photographs, shuffling folders or using a computer program to order the persons in the lineup (ORC § 2933.83)

Individuals in the lineup should reasonably match the description of the perpetrator provided by the witness and should bear similar characteristics to avoid causing any person to unreasonably stand out. In cases involving multiple suspects, a separate lineup should be conducted for each suspect. The suspects should be placed in a different order within each lineup.

The member presenting the lineup should do so sequentially (i.e., show the witness one person at a time) and not simultaneously. The witness should view all persons in the lineup.

A live lineup should only be used before criminal proceedings have been initiated against the suspect. If there is any question as to whether any criminal proceedings have begun, the investigating member should contact the appropriate prosecuting attorney before proceeding.

#### **604.7 FIELD IDENTIFICATION CONSIDERATIONS**

Field identifications, also known as field elimination show-ups or one-on-one identifications, may be helpful in certain cases, where exigent circumstances make it impracticable to conduct a photo or live lineup identifications. A field elimination or show-up identification should not be used when independent probable cause exists to arrest a suspect. In such cases a live or photo lineup is the preferred course of action if eyewitness identification is contemplated.

When initiating a field identification, the member should observe the following guidelines:

- (a) Obtain a complete description of the suspect from the witness.
- (b) Assess whether a witness should be included in a field identification process by considering:
  - 1. The length of time the witness observed the suspect.
  - 2. The distance between the witness and the suspect.
  - 3. Whether the witness could view the suspect's face.
  - 4. The quality of the lighting when the suspect was observed by the witness.
  - 5. Whether there were distracting noises or activity during the observation.
  - 6. Any other circumstances affecting the witness's opportunity to observe the suspect.
  - 7. The length of time that has elapsed since the witness observed the suspect.
- (c) If safe and practicable, the person who is the subject of the show-up should not be handcuffed or in a patrol vehicle.
- (d) When feasible, members should bring the witness to the location of the subject of the show up, rather than bring the subject of the show up to the witness.
- (e) A subject of the show up should not be shown to the same witness more than once.
- (f) In cases involving multiple suspects, witnesses should only be permitted to view the subjects of the show up one at a time.

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- (g) The person who is the subject of the show up should not be required to put on clothing worn by the suspect, to speak words uttered by the suspect or to perform other actions mimicking those of the suspect.
- (h) If a witness positively identifies a subject of a show up as the perpetrator, members should not conduct any further field identifications with other witnesses for that suspect. In such instances members should document the contact information for any additional witnesses for follow up, if necessary.

#### **604.8 DOCUMENTATION**

A thorough description of the eyewitness process and the results of any eyewitness identification should be documented in the case report.

If a photographic lineup is utilized, a copy of the photographic lineup presented to the witness should be included in the case report. In addition, the order in which the photographs were presented to the witness should be documented in the case report.

## Brady Material Disclosure

### 605.1 PURPOSE AND SCOPE

This policy establishes guidelines for identifying and releasing potentially exculpatory or impeachment information (so-called “*Brady* information”) to a prosecuting attorney.

#### 605.1.1 DEFINITIONS

Definitions related to this policy include:

***Brady* information** - Information known or possessed by the Mount Healthy Police Department that is both favorable and material to the current prosecution or defense of a criminal defendant.

### 605.2 POLICY

The Mount Healthy Police Department will conduct fair and impartial criminal investigations and will provide the prosecution with both incriminating and exculpatory evidence, as well as information that may adversely affect the credibility of a witness. In addition to reporting all evidence of guilt, the Mount Healthy Police Department will assist the prosecution by complying with its obligation to disclose information that is both favorable and material to the defense. The Department will identify and disclose to the prosecution potentially exculpatory information, as provided in this policy.

### 605.3 DISCLOSURE OF INVESTIGATIVE INFORMATION

Officers must include in their investigative reports adequate investigative information and reference to all material evidence and facts that are reasonably believed to be either incriminating or exculpatory to any individual in the case. If an officer learns of potentially incriminating or exculpatory information any time after submission of a case, the officer or the handling investigator must prepare and submit a supplemental report documenting such information as soon as practicable. Supplemental reports shall be promptly processed and transmitted to the prosecutor’s office.

If information is believed to be privileged or confidential (e.g., informant or attorney-client information, attorney work product), the officer should discuss the matter with a supervisor and/or prosecutor to determine the appropriate manner in which to proceed.

Evidence or facts are considered material if there is a reasonable probability that they would affect the outcome of a criminal proceeding or trial. Determining whether evidence or facts are material often requires legal or even judicial review. If an officer is unsure whether evidence or facts are material, the officer should address the issue with a supervisor.

Supervisors who are uncertain about whether evidence or facts are material should address the issue in a written memo to an appropriate prosecutor. A copy of the memo should be retained in the Department case file.

### 605.4 DISCLOSURE OF PERSONNEL INFORMATION

If a member of this department is a material witness in a criminal case, a person or persons designated by the Chief of Police shall examine the personnel file and/or internal affairs file of the



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officer to determine whether they contain *Brady* information. If *Brady* information is located, the following procedure shall apply:

- (a) In the event that a motion has not already been filed by the criminal defendant or other party, the prosecuting attorney and department member shall be notified of the potential presence of *Brady* material in the member's personnel file.
- (b) The prosecuting attorney or department counsel should be requested to file a motion in order to initiate an in-camera review by the court.
  1. If no motion is filed, the supervisor should work with counsel to determine whether the records should be disclosed to the prosecutor.
- (c) The Custodian of Records shall accompany all relevant personnel files during any in-camera inspection and address any issues or questions raised by the court.
- (d) If the court determines that there is relevant *Brady* information contained in the files, only that information ordered released will be copied and released to the parties filing the motion.
  1. Prior to the release of any information pursuant to this process, the Custodian of Records should request a protective order from the court limiting the use of such materials to the involved case and requiring the return of all copies upon completion of the case.
- (e) If a court has determined that relevant *Brady* information is contained in a member's file in any case, the prosecutor should be notified of that fact in all future cases involving that member.

The person or persons designated by the Chief of Police should periodically examine the personnel files and/or internal affairs files of all officers who may be material witnesses in criminal cases to determine whether they contain *Brady* information. The obligation to provide *Brady* information is ongoing. If any new *Brady* information is identified, the prosecuting attorney should be notified.

#### **605.5 INVESTIGATING BRADY ISSUES**

If the Department receives information from any source that a member may have issues of credibility, dishonesty or has been engaged in an act of moral turpitude or criminal conduct, the information shall be investigated and processed in accordance with the Personnel Complaints Policy.

#### **605.6 TRAINING**

Department personnel should receive periodic training on the requirements of this policy.

# Unmanned Aerial System (UAS) Operations

## 606.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for the use of an unmanned aerial system (UAS) and for the storage, retrieval and dissemination of images and data captured by the UAS.

### 606.1.1 DEFINITIONS

Definitions related to this policy include:

**Unmanned aerial system (UAS)** - An unmanned aircraft of any type that is capable of sustaining directed flight, whether preprogrammed or remotely controlled (commonly referred to as an unmanned aerial vehicle (UAV)), and all of the supporting or attached systems designed for gathering information through imaging, recording, or any other means.

## 606.2 POLICY

Unmanned aerial systems may be utilized to enhance the department's mission of protecting lives and property when other means and resources are not available or are less effective. Any use of a UAS will be in strict accordance with constitutional and privacy rights and Federal Aviation Administration (FAA) regulations.

## 606.3 PRIVACY

The use of the UAS potentially involves privacy considerations. Absent a warrant or exigent circumstances, operators and observers shall adhere to FAA altitude regulations and shall not intentionally record or transmit images of any location where a person would have a reasonable expectation of privacy (e.g., residence, yard, enclosure). Operators and observers shall take reasonable precautions to avoid inadvertently recording or transmitting images of areas where there is a reasonable expectation of privacy. Reasonable precautions can include, for example, deactivating or turning imaging devices away from such areas or persons during UAS operations.

## 606.4 PROGRAM COORDINATOR

The Chief of Police will appoint a program coordinator who will be responsible for the management of the UAS program. The program coordinator will ensure that policies and procedures conform to current laws, regulations and best practices and will have the following additional responsibilities:

- Coordinating the FAA Certificate of Waiver or Authorization (COA) application process and ensuring that the COA is current.
- Ensuring that all authorized operators and required observers have completed all required FAA and department-approved training in the operation, applicable laws, policies and procedures regarding use of the UAS.
- Developing uniform protocol for submission and evaluation of requests to deploy a UAS, including urgent requests made during ongoing or emerging incidents. Deployment of a UAS shall require written authorization of the Chief of Police or the authorized designee, depending on the type of mission.

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- Developing protocol for conducting criminal investigations involving a UAS, including documentation of time spent monitoring a subject.
- Implementing a system for public notification of UAS deployment.
- Developing an operational protocol governing the deployment and operation of a UAS including, but not limited to, safety oversight, use of visual observers, establishment of lost link procedures and secure communication with air traffic control facilities.
- Developing a protocol for fully documenting all missions.
- Developing a UAS inspection, maintenance and record-keeping protocol to ensure continuing airworthiness of a UAS, up to and including its overhaul or life limits.
- Developing protocols to ensure that all data intended to be used as evidence are accessed, maintained, stored and retrieved in a manner that ensures its integrity as evidence, including strict adherence to chain of custody requirements. Electronic trails, including encryption, authenticity certificates and date and time stamping, shall be used as appropriate to preserve individual rights and to ensure the authenticity and maintenance of a secure evidentiary chain of custody.
- Developing protocols that ensure retention and purge periods are maintained in accordance with established records retention schedules.
- Facilitating law enforcement access to images and data captured by the UAS.
- Recommending program enhancements, particularly regarding safety and information security.
- Ensuring that established protocols are followed by monitoring and providing periodic reports on the program to the Chief of Police.

#### **606.5 USE OF UAS**

Only authorized operators who have completed the required training shall be permitted to operate the UAS.

Use of vision enhancement technology (e.g., thermal and other imaging equipment not generally available to the public) is permissible in viewing areas only where there is no protectable privacy interest or when in compliance with a search warrant or court order. In all other instances, legal counsel should be consulted.

UAS operations should only be conducted during daylight hours and a UAS should not be flown over populated areas without FAA approval.

#### **606.6 PROHIBITED USE**

The UAS video surveillance equipment shall not be used:

- To conduct random surveillance activities.
- To target a person based solely on actual or perceived characteristics such as race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, economic status, age, cultural group, or disability.

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- To harass, intimidate, or discriminate against any individual or group.
- To conduct personal business of any type.

The UAS shall not be weaponized.

#### **606.7 RETENTION OF UAS DATA**

Data collected by the UAS shall be retained as provided in the established records retention schedule.

## Warrant Service

### 607.1 PURPOSE AND SCOPE

This policy establishes guidelines for the planning and serving of arrest and search warrants by members of this department. It is understood that this policy cannot address every variable or circumstance that can arise in the service of a search or arrest warrant, as these tasks can involve rapidly evolving and unique circumstances.

This policy is intended to be used in conjunction with the Operations Planning and Deconfliction Policy, which has additional guidance on planning and serving high-risk warrants.

This policy is not intended to address the service of search warrants on locations or property already secured or routine field warrant arrests by patrol officers.

### 607.2 POLICY

It is the policy of the Mount Healthy Police Department to balance the safety needs of the public, the safety of department members, privacy interests and other relevant factors when making decisions related to the service of search and arrest warrants.

### 607.3 OPERATIONS DIRECTOR

The operations director (see the Operations Planning and Deconfliction Policy) shall review all risk assessment forms with the involved supervisor to determine the risk level of the warrant service.

The operations director will also have the responsibility to coordinate service of those warrants that are categorized as high risk. Deconfliction, risk assessment, operational planning, briefing and debriefing should follow guidelines in the Operations Planning and Deconfliction Policy.

### 607.4 SEARCH WARRANTS

Officers should receive authorization from a supervisor before preparing a search warrant. Once authorization is received, the officer will prepare the affidavit and search warrant, consulting with the applicable prosecuting attorney as needed. He/she will also complete the risk assessment form and submit it, along with the warrant affidavit, to the appropriate supervisor and the operations director for review and classification of risk (see the Operations Planning and Deconfliction Policy).

### 607.5 ARREST WARRANTS

If an officer reasonably believes that serving an arrest warrant may pose a higher risk than commonly faced on a daily basis, the officer should complete the risk assessment form and submit it to the appropriate supervisor and the operations director for review and classification of risk (see the Operations Planning and Deconfliction Policy).

If the warrant is classified as high risk, service will be coordinated by the operations director. If the warrant is not classified as high risk, the supervisor should weigh the risk of entry into a residence to make an arrest against other alternatives, such as arresting the person outside the residence where circumstances may pose a lower risk.

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##### 607.5.1 ARREST WITH A WARRANT

- (a) An officer may arrest a suspect on a warrant anywhere within the State of Ohio.
- (b) If an accused person flees from justice, or is not found in the county where a warrant for his arrest was issued, the officer holding the same may pursue and arrest him in any county in this State. (ORC 2935.02)

##### 607.5.2 ARREST WITHOUT A WARRANT

- (a) An officer shall arrest and detain until a warrant can be obtained:
- (a) Any Person an officer observes violating any law of this state or ordinance of the City of Mount Healthy.
- (b) Any person whom the officer has reasonable cause to believe is guilty of committing an offense of violence, criminal child enticement, public indecency, Domestic Violence, menacing by stalking, aggravated trespass, a theft offense or felony drug abuse within the geographical boundaries of the City of Mount Healthy
- (c) When a felony has been committed or there is reasonable ground to believe a felony has been committed, any person without a warrant may arrest another whom he has reasonable cause to believe is guilty of the offense and detain him until a warrant can be obtained. (ORC 2935.04)
- (d) When a person has been arrested without a warrant the officer shall, without unnecessary delay, take the person before a court or magistrate and file or cause to be filed, an affidavit describing the offense for which the person was arrested. (ORC 2923.05)
- (e) A person arrested without a warrant, he/she shall be informed by the arresting officer of the officer's authority to make the arrest and the cause of the arrest. When a person is engaged in the commission of a criminal offense, it is not necessary to inform him of the cause of his arrest.(ORC 2935.07)

##### **607.6 WARRANT PREPARATION**

An officer who prepares a warrant should ensure the documentation in support of the warrant contains as applicable:

- (a) Probable cause to support the search or arrest, including relevant dates and times to demonstrate timeliness and facts to support any request for nighttime or no-knock warrant execution.
- (b) A clear explanation of the affiant's training, experience and relevant education.
- (c) Adequately supported opinions, when relevant, that are not left to unsubstantiated conclusions.
- (d) A nexus between the place to be searched and the persons or items central to the investigation. The facts supporting this nexus should be clear and current. For

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example, the affidavit shall explain why there is probable cause to believe that a particular person is currently residing at a particular location or that the items sought are present at a particular location.

- (e) Full disclosure of known or suspected residents at the involved location and any indication of separate living spaces at the involved location. For example, it should be disclosed that several people may be renting bedrooms at a single location, even if the exact location of the rooms is not known.
- (f) A specific description of the location to be searched, including photographs of the location, if reasonably available.
- (g) A sufficient description of the items to be seized.
- (h) Full disclosure of any known exculpatory information relevant to the warrant application (refer to the *Brady* Material Disclosure Policy).

#### **607.7 HIGH-RISK WARRANT SERVICE**

The operations director or the authorized designee shall coordinate the service of warrants that are categorized as high risk and shall have sole authority in determining the manner in which the warrant will be served, including the number of officers deployed.

The member responsible for directing the service should ensure the following as applicable:

- (a) When practicable and when doing so does not cause unreasonable risk, video or photographic documentation is made of the condition of the location prior to execution of a search warrant. The images should include the surrounding area and persons present.
- (b) The warrant service is audio- and video-recorded when practicable and reasonable to do so.
- (c) Evidence is handled and collected only by those members who are designated to do so. All other members involved in the service of the warrant should alert one of the designated members to the presence of potential evidence and not touch or disturb the items.
- (d) Reasonable efforts are made during the search to maintain or restore the condition of the location.
- (e) Persons who are detained as part of the warrant service are handled appropriately under the circumstances.
- (f) Reasonable care provisions are made for children and dependent adults (see the Child and Dependent Adult Safety Policy).
- (g) A list is made of all items seized and a copy provided to the person in charge of the premises if present or otherwise left in a conspicuous place.
- (h) A copy of the search warrant is left at the location.
- (i) The condition of the property is documented with video recording or photographs after the search.

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##### **607.8 DETENTIONS DURING WARRANT SERVICE**

Officers must be sensitive to the safety risks of all persons involved with the service of a warrant. Depending on circumstances and facts present, it may be appropriate to control movements of any or all persons present at a warrant service, including those who may not be the subject of a warrant or suspected in the case. However, officers must be mindful that only reasonable force may be used and weapons should be displayed no longer than the officer reasonably believes is necessary (see the Use of Force Policy).

As soon as it can be determined that an individual is not subject to the scope of a warrant and that no further reasonable suspicion or safety concerns exist to justify further detention, the person should be promptly released.

Officers should, when and to the extent reasonable, accommodate the privacy and personal needs of people who have been detained.

##### **607.9 ACTIONS AFTER WARRANT SERVICE**

The supervisor shall ensure that all affidavits, warrants, receipts and returns, regardless of any associated cases, are filed with the issuing judge or magistrate as soon as reasonably possible, but in any event no later than any date specified on the warrant.

##### **607.10 OUTSIDE AGENCIES AND CROSS-JURISDICTIONAL WARRANTS**

The operations director will ensure that cooperative efforts with other agencies in the service of warrants conform to existing mutual aid agreements or other memorandums of understanding and will work cooperatively to mitigate risks including, but not limited to, the following:

- Identity of team members
- Roles and responsibilities
- Familiarity with equipment
- Rules of engagement
- Asset forfeiture procedures

Any outside agency requesting assistance in the service of a warrant within this jurisdiction should be referred to the operations director or shift supervisor. The director should review and confirm the warrant, including the warrant location, and should discuss the service with the appropriate supervisor from the other agency. The director should ensure that members of the Mount Healthy Police Department are utilized appropriately. Any concerns regarding the requested use of Mount Healthy Police Department members should be brought to the attention of the Chief of Police or the authorized designee. The actual service of the warrant will remain the responsibility of the agency requesting assistance.

If the operations director is unavailable, the Shift Supervisor should assume this role.

If officers intend to serve a warrant outside Mount Healthy Police Department jurisdiction, the operations director should provide reasonable advance notice to the applicable agency, request



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assistance as needed and work cooperatively on operational planning and the mitigation of risks detailed in this policy.

Officers will remain subject to the policies of the Mount Healthy Police Department when assisting outside agencies or serving a warrant outside Mount Healthy Police Department jurisdiction.

#### **607.11 MEDIA ACCESS**

No advance information regarding warrant service operations shall be released without the approval of the Chief of Police. Any media inquiries or press release after the fact shall be handled in accordance with the Media Relations Policy.

#### **607.12 TRAINING**

The Police Chief should ensure officers receive periodic training on this policy and associated topics, such as legal issues, warrant preparation, warrant service and reporting requirements.

## Operations Planning and Deconfliction

### 608.1 PURPOSE AND SCOPE

This policy provides guidelines for planning, deconfliction and execution of high-risk operations.

Additional guidance on planning and serving high-risk warrants is provided in the Warrant Service Policy.

#### 608.1.1 DEFINITIONS

Definitions related to this policy include:

**High-risk operations** - Operations, including service of search and arrest warrants and sting operations, that are likely to present higher risks than are commonly faced by officers on a daily basis, including suspected fortified locations, reasonable risk of violence or confrontation with multiple persons, or reason to suspect that persons anticipate the operation.

### 608.2 POLICY

It is the policy of the Mount Healthy Police Department to properly plan and carry out high-risk operations, including participation in a regional deconfliction system, in order to provide coordination, enhance the safety of members and the public, decrease the risk of compromising investigations and prevent duplicating efforts.

### 608.3 OPERATIONS DIRECTOR

The Chief of Police will designate a member of this department to be the operations director.

The operations director will develop and maintain a risk assessment form to assess, plan and coordinate operations. This form should provide a process to identify high-risk operations.

The operations director will review risk assessment forms with involved supervisors to determine whether a particular incident qualifies as a high-risk operation. The director will also have the responsibility for coordinating operations that are categorized as high risk.

### 608.4 RISK ASSESSMENT

#### 608.4.1 RISK ASSESSMENT FORM PREPARATION

Officers assigned as operational leads for any operation that may qualify as a high-risk operation shall complete a risk assessment form.

When preparing the form, the officer should query all relevant and reasonably available intelligence resources for information about the subject of investigation, others who may be present and the involved location. These sources may include regional intelligence and criminal justice databases, target deconfliction systems, firearm records, commercial databases and property records. Where appropriate, the officer should also submit information to these resources.

The officer should gather available information that includes, but is not limited to:

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- (a) Photographs, including aerial photographs, if available, of the involved location, neighboring yards and obstacles.
- (b) Maps of the location.
- (c) Diagrams of any property and the interior of any buildings that are involved.
- (d) Historical information about the subject of investigation (e.g., history of weapon possession or use, known mental illness, known drug use, threats against police, gang affiliation, criminal history).
- (e) Historical information about others who may be present at the location (e.g., other criminals, innocent third parties, dependent adults, children, animals).
- (f) Obstacles associated with the location (e.g., fortification, booby traps, reinforced doors/windows, surveillance measures, number and type of buildings, geographic and perimeter barriers, the number and types of weapons likely to be present, information that suggests the presence of explosives, chemicals or other hazardous materials, the potential for multiple dwellings or living spaces, availability of keys/door combinations).
- (g) Other environmental factors (e.g., nearby venues such as schools and day care centers, proximity of adjacent homes or other occupied buildings, anticipated pedestrian and vehicle traffic at the time of service).
- (h) Other available options that may minimize the risk to officers and others (e.g., making an off-site arrest or detention of the subject of investigation).

#### 608.4.2 RISK ASSESSMENT REVIEW

Officers will present the risk assessment form and other relevant documents (such as copies of search warrants and affidavits and arrest warrants) to their supervisor and the operations director.

The supervisor and operations director shall confer and determine the level of risk. Supervisors should take reasonable actions if there is a change in circumstances that elevates the risks associated with the operation.

#### 608.4.3 HIGH-RISK OPERATIONS

If the operations director, after consultation with the involved supervisor, determines that the operation is high risk, the operations director should:

- (a) Determine what resources will be needed at the location, and contact and/or place on standby any of the following appropriate and available resources:
  - 1. Hamilton County Police Association Special Weapons and Tactics Team (SWAT)
  - 2. Additional personnel
  - 3. Outside agency assistance
  - 4. Special equipment
  - 5. Medical personnel
  - 6. Persons trained in negotiation

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7. Additional surveillance
  8. Canines
  9. Property Management or analytical personnel to assist with cataloguing seizures
  10. Forensic specialists
  11. Specialized mapping for larger or complex locations
- (b) Contact the appropriate department members or other agencies as warranted to begin preparation.
- (c) Ensure that all legal documents such as search warrants are complete and have any modifications reasonably necessary to support the operation.
- (d) Coordinate the actual operation.

#### **608.5 DECONFLICTION**

Deconfliction systems are designed to identify persons and locations associated with investigations or law enforcement operations and alert participating agencies when others are planning or conducting operations in close proximity or time or are investigating the same individuals, groups or locations.

The officer who is the operations lead shall ensure the subject of investigation and operations information have been entered in an applicable deconfliction system to determine if there is reported conflicting activity. This should occur as early in the process as practicable, but no later than two hours prior to the commencement of the operation. The officer should also enter relevant updated information when it is received.

If any conflict is discovered, the supervisor will contact the involved jurisdiction and resolve the potential conflict before proceeding.

#### **608.6 OPERATIONS PLAN**

The operations director should ensure that a written operations plan is developed for all high-risk operations. Plans should also be considered for other operations that would benefit from having a formal plan.

The plan should address such issues as:

- (a) Operation goals, objectives and strategies.
- (b) Operation location and people:
  1. The subject of investigation (e.g., history of weapon possession/use, known mental illness issues, known drug use, threats against police, gang affiliation, criminal history)
  2. The location (e.g., fortification, booby traps, reinforced doors/windows, surveillance cameras and/or lookouts, number/type of buildings, geographic and perimeter barriers, the number and types of weapons likely to be present, information that suggests the presence of explosives, chemicals or other hazardous materials, the potential for multiple dwellings or living spaces,

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#### *Operations Planning and Deconfliction*

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- availability of keys/door combinations), including aerial photos, if available, and maps of neighboring yards and obstacles, diagrams and other visual aids
3. Other environmental factors (e.g., nearby venues such as schools and day care centers, proximity of adjacent homes or other occupied buildings, anticipated pedestrian and vehicle traffic at the time of service)
  4. Identification of other people who may be present in or around the operation, such as other criminal suspects, innocent third parties and children
- (c) Information from the risk assessment form by attaching a completed copy in the operational plan.
1. The volume or complexity of the information may indicate that the plan includes a synopsis of the information contained on the risk assessment form to ensure clarity and highlighting of critical information.
- (d) Participants and their roles.
1. An adequate number of uniformed officers should be included in the operation team to provide reasonable notice of a legitimate law enforcement operation.
  2. How all participants will be identified as law enforcement.
- (e) Whether deconfliction submissions are current and all involved individuals, groups and locations have been deconflicted to the extent reasonably practicable.
- (f) Identification of all communications channels and call-signs.
- (g) Use of force issues.
- (h) Contingencies for handling medical emergencies (e.g., services available at the location, closest hospital, closest trauma center).
- (i) Plans for detaining people who are not under arrest.
- (j) Contingencies for handling children, dependent adults, animals and other people who might be at the location in accordance with the Child Abuse, Adult or Vulnerable Person Abuse, Child and Dependent Adult Safety and Animal Control Procedures policies.
- (k) Communications plan.
- (l) Responsibilities for writing, collecting, reviewing and approving reports.

#### **608.6.1 OPERATIONS PLAN RETENTION**

Since the operations plan contains intelligence information and descriptions of law enforcement tactics, it shall not be filed with the report. The operations plan shall be stored separately and retained in accordance with the established records retention schedule.

#### **608.7 OPERATIONS BRIEFING**

A briefing should be held prior to the commencement of any high-risk operation to allow all participants to understand the operation, see and identify each other, identify roles and responsibilities and ask questions or seek clarification as needed. Anyone who is not present at the briefing should not respond to the operation location without specific supervisory approval.

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- (a) The briefing should include a verbal review of plan elements, using visual aids, to enhance the participants' understanding of the operations plan.
- (b) All participants should be provided a copy of the operations plan and search warrant, if applicable. Participating personnel should be directed to read the search warrant and initial a copy that is retained with the operation plan. Any items to be seized should be identified at the briefing.
- (c) The operations director shall ensure that all participants are visually identifiable as law enforcement officers.
  - 1. Exceptions may be made by the operations director for officers who are conducting surveillance or working under cover. However, those members exempt from visual identification should be able to transition to a visible law enforcement indicator at the time of enforcement actions, such as entries or arrests, if necessary.
- (d) The briefing should include details of the communications plan.
  - (a) It is the responsibility of the operations director to ensure that the Communications Center is notified of the time and location of the operation, and to provide a copy of the operation plan prior to officers arriving at the location.
  - (b) If the radio channel needs to be monitored by the Communications Center, the dispatcher assigned to monitor the operation should attend the briefing, if practicable, but at a minimum should receive a copy of the operation plan.
  - (c) The briefing should include a communications check to ensure that all participants are able to communicate with the available equipment on the designated radio channel.

#### **608.8 SWAT PARTICIPATION**

If the operations director determines that SWAT participation is appropriate, the director and the SWAT supervisor shall work together to develop a written plan. The SWAT supervisor shall assume operational control until all persons at the scene are appropriately detained and it is safe to begin a search. When this occurs, the SWAT supervisor shall transfer control of the scene to the handling supervisor. This transfer should be communicated to the officers present.

#### **608.9 MEDIA ACCESS**

No advance information regarding planned operations shall be released without the approval of the Chief of Police. Any media inquiries or press release after the fact shall be handled in accordance with the Media Relations Policy.

#### **608.10 OPERATIONS DEBRIEFING**

High-risk operations should be debriefed as soon as reasonably practicable. The debriefing should include as many participants as possible. This debrief may be separate from any SWAT debriefing.

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##### **608.11 TRAINING**

The Police Chief should ensure officers and SWAT team members who participate in operations subject to this policy should receive periodic training including, but not limited to, topics such as legal issues, deconfliction practices, operations planning concepts and reporting requirements.

##### **608.12 FINANCE/ADMINISTRATION FUNCTION**

The Finance/Administration Function includes the following:

###### **608.12.1 RECORDING PERSONNEL TIME**

The Time Unit - ensures preparation of daily personnel time recording documents and compliance with the agency's time policy. Unit activities also include confirmation of equipment time reporting in the Ground Support Unit of the Logistics Section.

###### **608.12.2 PROCURING ADDITIONAL RESOURCES**

The Procurement Unit - administers all financial matters relating to vendor contracts (e.g., equipment rental).

###### **608.12.3 RECORDING EXPENSES**

The Cost Unit - collects all cost data, performs cost-effectiveness analyses, and provides cost estimates and recommendations for reducing incident costs.

###### **608.12.4 DOCUMENTING INJURIES AND LIABILITY ISSUES**

The Compensation/Claims Unit - ensures completion of all forms required by worker's compensation agencies and local agencies and maintains files of all injuries and illnesses associated with the incident. Claims Unit investigates all claims (e.g., tort claims against responders) involving property associated or involved in the incident.

###### **608.12.5 PREPARING APPROPRIATE REIMBURSEMENT DOCUMENTS**

The Finance/ Administration function is responsible for maintaining information and records related to the event. This function is responsible for preparing appropriate reimbursement documents.

## VICE, DRUGS AND ORGANIZED CRIME

### 609.1 PURPOSE

This Order establishes procedures for investigating information / complaints regarding criminal activity involving vice, drugs, and organized crime, and for planning and conducting related covert activities.

### 609.2 POLICY

The Mount Healthy Police Department will investigate crimes pertaining to illegal drugs, vice, and organized crime, and may utilize (DART) Drug Abuse Resistance Task Force to assist in the investigation(s).

### 609.3 DEFINITIONS

**Vice Offenses:** Prostitution, illegal use or sale of alcohol, distribution or sale of pornography, etc.

**Drug Offenses:** Manufacture, possession, sale, distribution, and / or use of controlled substances.

**Organized Crime:** Unlawful activities by members of organized groups or associations engaged in or promoting extortion, theft, fencing, loan sharking, labor racketeering, offense for profit, engaged in procuring / transporting / supplying illegal goods, and similar activities.

**Covert Operation:** A covert operation is a single, planned law enforcement detail for the purpose of gathering evidence and/or detecting and arresting persons engaged in illegal activity, during which detail law enforcement officers disguise themselves to conceal that they are law enforcement officers.

**Covert Investigation:** A covert investigation is the conducting of a systematic examination over time to gather facts and evidence of an alleged offense regarding vice, drugs, and/or organized crime while employing law enforcement officers who disguise themselves to conceal that they are law enforcement officers.

**Surveillance:** Surveillance involves secretly observing persons, without their knowledge, who are engaged in a criminal act or some activity pertaining to or potentially leading to a criminal act.

### 609.4 PROCEDURE FOR RECEIVING AND PROCESSING COMPLAINTS

All complaints concerning vice/narcotics and organized crime received by the Mount Healthy Police Department will be recorded in the Computerized Dispatch System (CAD) as a call for service. Depending on the nature of the complaint, it may be:

- (a) Drug Abuse Reduction Task Force (DART)
  1. Officers will complete and forward a complaint form to DART report.
- (b) Heroin Task Force- All opioid related
  1. When a first responder (police or fire) arrives at the scene of a death investigation where a heroin/opiate overdose is suspected as the possible cause of death, they must determine if there is enough evidence at the scene to warrant a



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response from the Opiate Heroin Task Force (OHTF). A "Patrol Officer Checklist & Matrix" has been developed for officers to use in making that determination.

- (a) The participating agency will call the duty phone (513-400-7267) of the OHTF to initiate their response;
- (b) An agent from the OHTF will respond, and an investigation into the heroin source will be initiated at the scene of the death, when possible;
- (c) The first responder will complete the Checklist & Matrix, documenting as much pertinent information as possible, and provide it to the OHTF investigator;
- (d) Uniformed officers will attempt to identify any witnesses and will identify them to responding OHTF agents for a thorough interview;
- (e) Responding uniformed officers and OHTF agents will place an emphasis on developing information from witnesses that could assist in the identification of the source of supply for the heroin/opiate involved;
- (f) Officers and agents should attempt to establish a rapport with any witness and avoid rushing to arrest for minor drug related offenses or discussing possible criminal charges they could face;
- (g) The jurisdiction's uniformed officer(s) will complete an incident report.;
- (h) The jurisdictions uniformed officer(s) will complete the Hamilton County Opiate/Heroin Overdose Report.
- (i) If the OHTF is the primary investigating unit, they will maintain the investigative file and keep the law enforcement agency apprised of the status of the investigation;
- (j) If OHTF agents are assisting an investigator from the jurisdiction where the offense may have occurred, the OHTF agents will add supplemental reports as needed;
- (k) Should no uniformed officers be present at the scene of a suspected heroin/opiate overdose death, OHTF agents will request one from that jurisdiction;
- (l) OHTF agents will work together, sharing intelligence and assets. The OHTF will also share intelligence with various agencies, including but not limited to:
  - 1. Hamilton County Fusion Center;
  - 2. Drug Abuse Reduction Task Force (DART);
  - 3. Hamilton County Sheriff's Office Regional Narcotics Unit (RENU);
  - 4. Cincinnati Police Department Narcotics Unit;
  - 5. Ohio Bureau of Criminal Investigation (BCI);
  - 6. Drug Enforcement Administration (DEA);
  - 7. Federal Bureau of Investigation (FBI);

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- (c) Officer will use DC while Intoxicated after administration of Naloxone

#### **609.5 MAINTAINING A RECORD OF COMPLAINTS RECEIVED**

The nature of vice, drug and organized crime investigations and the considerable amount of undercover work involved in controlling these offenses contribute to the sensitivity of related records. All intelligence information received shall be maintained in a secure file under the control of the Detective Supervisor. Upon evaluation of the information, if it is determined that investigative action is necessary and this agency is able to conduct an adequate investigation, the Detective Supervisor shall assign the Detective to the case. Any additional information collected during the investigation shall be maintained in a secure file under the control of the person assigned the investigation. Upon completion of the investigation and if an offense is founded, the Detective shall prepare a NIBRS offense report that shall be forwarded to the records section for processing.

If an inquiry is made for information pertaining to a vice, drug or organized crime ongoing investigation, that information should be released only by the investigating officer. Should the investigating officer be unavailable, the dissemination of that information may be made by the Detective Supervisor.

When a police officer receives a vice, drug, and / or organized crime complaint, the following steps are required: :

- (a) The police officer receiving the complaint will complete a (DART) Drug Abuse Reduction Taskforce complaint form.
- (b) The police officer will forward the complaint form to their assigned squad sergeant for review.
- (c) The sergeant will enter the information on the Vice, Drug and Organized Crime log
- (d) and fax it to (DART).
- (e) A hard copy of the form will be filed by the police clerk and will be retained for the current year plus one.

#### **609.6 RECORDS OF INFORMATION CONVEYED TO AND FROM OUTSIDE AGENCIES**

Upon evaluation of the information, it is determined that investigative action is necessary, and this agency is unable to conduct an adequate investigation, the Detective Supervisor shall contact an appropriate agency to assist in, or to conduct an investigation into the information obtained. Should, upon evaluation, the information and it is determined that this department would be unable to conduct an investigation, the Detective Supervisor shall contact an appropriate enforcement agency and convey to such agency the information obtained.

Whenever a joint investigative effort is being conducted with another agency, the Detective Supervisor may permit a free flow of information between the investigative units without his expressed approval of all requests. Documentation requirements shall still be followed for any intelligence information that is disseminated.

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##### **609.7 SPECIFYING PROCEDURES FOR ADVISING POLICE CHIEF**

A written report shall be submitted biannually by the Detective Supervisor to the Chief of Police summarizing complaints, investigations and arrests involving vice, drug or organized crime; providing such activity has taken place.

Whenever a protracted investigation is conducted, the Detective Supervisor shall, no less than monthly, forward a written report to the Chief of Police on the status of the case.

##### **609.8 COVERT OPERATIONS**

Squad Sergeants are responsible for developing, planning, staffing and implementing a covert, decoy, surveillance or similar operation. A written operational plan is required for major or significant operations and operations and must be authorized by the Police Chief. [CALEA 43.1.5.a]

- (a) Operational plans for conducting major, covert, surveillance, or similar operations shall contain the following provisions, when relevant and applicable:
1. Designation of a single supervisor in charge of the operation; [CALEA 43.1.5.b]
  2. Determination of procedures for observation, surveillance, high-risk entries, and arrests [CALEA 43.1.5.c]
  3. Identification of relief, backup security, and perimeter and support personnel; [CALEA 43.1.5c]
  4. A plan for medical assistance for any injuries or potential injuries resulting from the operation [CALEA 43.1.5c]
  5. The Squad Sergeant responsible for conducting the operation shall, as necessary, keep the Police Chief informed of the progress/outcome of major and/or significant operations or investigations. An After Action Report must be submitted to the Police Chief promptly concluding the operation. [CALEA 43.1.5d]

# NO-KNOCK SEARCH WARRANTS

## 610.1 PURPOSE

1. To facilitate the management and investigation of complaints regarding criminal activity involving vice offenses, illegal drugs, or organized crime.
2. To establish a policy regarding the preparation and securing of search warrants.

## 610.2 POLICY

The Mount Healthy Police Department will thoroughly conduct investigations relating to the illegal use or sale of drugs, acts of prostitution, illegal gambling, illegal alcohol sales, and or any organized crime activity in conjunction with agencies specifically established to investigate such activities including but not limited to: Ohio Bureau of Criminal Investigations, Ohio Department of Liquor Control, Drug Abuse Reduction Task-Force (DART), Regional Enforcement Narcotics Unit (RENU), Cincinnati Police, Hamilton County Sheriff's Office, Drug Enforcement Administration (DEA), and Federal Bureau of Investigation (FBI). Routine drug complaints will be referred to DART for investigation and follow-up.

No long-term Vice or Organized Crime investigations shall be conducted without the expressed consent and approval of the Mount Healthy Chief of Police. The Police Chief will coordinate all such investigations with the appropriate members of the Police Department, designate the appropriate outside agency to assist, and assign a managing supervisor and or Detective to each case.

No search warrant will be prepared or served without the pre-approval of the Police Chief. All search warrants will be assigned a managing supervisor and each warrant must have an operational plan prepared in writing which will include an overview of the offense and probable cause for seeking the search warrant, a photograph of the premise to be searched, a history of calls for service to the specified location of the warrant, and a background investigation of the property owner as well as any possible individuals currently occupying the premise or identified in the investigation, and a list of all officers involved in the investigations and of those who will serve the warrant or are present on-scene during service. A search warrant should only be served during daylight hours unless there is a specific reason to do otherwise. The preparation and serving of all search warrants must be pre-approved by a sergeant or above.

Any residence that is the subject of a search warrant will be maintained under visual surveillance for at least one hour prior to service unless pre-approved due to extenuating circumstances by a managing supervisor. The surveilling officer will immediately notify the managing supervisor of any children seen entering or exiting the service location. All Mount Healthy Officers involved in the service of a search warrant will utilize body worn cameras during service including the approach to the residence. Uniformed police officers must be on scene during the execution of all search warrants. Knock and Announce is the general entry rule to be followed by all Department members when serving warrants.

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#### NO-KNOCK SEARCH WARRANTS

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The Department Detective will maintain a log of all search warrants prepared and served by the Mount Healthy Police Department. The log will include the time, date, location of the search warrant and the name of the affiant along with the date of return.

All NO-KNOCK Search warrants must be pre-approved by the Police Chief. A NO-KNOCK WARRANT is defined as : A warrant where a judge or magistrate, upon cause shown in the warrant application, specifically authorizes that the warrant may be executed in a “no knock-and-announce” fashion. Officers seeking such warrants must outline in their operational plan the reasoning for making such requests including articulating *a reasonable suspicion that knocking and announcing their presence, under the particular circumstances, would be dangerous or futile, or that it would inhibit the effective investigation of the crime by, for example, allowing the destruction of evidence.* Without clear and convincing evidence of such, all no-knock warrants will not be permitted. Officers will also ensure that the stated basis for a no-knock entry is included in both the affidavit and the warrant.

The United States Six Circuit Court of Appeals recognizes four exigent circumstances, one or all of which must be articulated as part of the development of reasonable suspicion. They are:

1. Where making an announcement would be dangerous to the officers serving the warrant
2. Where the announcement would create:
3. a risk of flight
4. destruction of evidence
5. Where the victim or other person is in peril
6. Where making an announcement would be a useless gesture, such as where the person within already knows of the officer’s presence and purpose.

Even when exigent circumstances exist to permit a “no-knock” entry, Officers are to consider whether there is a reasonable alternative to conducting a “no-knock” entry that would still permit the fulfilling of the objective of the warrant.

Officers should consider the utilization of SWAT when serving any search warrant involving armed career criminals.

[Executive Order: 13929]

# COLLECTION AND PRESERVATION OF EVIDENCE

## 611.1 POLICY

The Mount Healthy Police Department shall provide employees with guidelines and procedures that incorporate the application of scientific methods for the identification, collection and preservation of physical evidence. The Department recognizes that successful investigations, criminal prosecutions, and other law enforcement related matters are directly linked to a thorough evidence collection and preservation process.

## 611.2 24-HOUR AVAILABILITY

### (a) Availability

1. Qualified personnel are available on a twenty-four hour per day basis to process a crime scene or the scene of a traffic collision.
2. Detectives are available for response to crime scenes. If a Detective is needed during off hours the Detective's squad sergeant should be notified prior to contacting a Detective.
3. The following resources may be called upon to supplement existing manpower or for their specialized training in crime scene processing:
  - (a) Hamilton County Sheriff's Office
  - (b) Cincinnati Police Department
  - (c) Ohio Bureau of Criminal Investigation

### (b) Collision Reconstruction

1. Traffic collision reconstruction personnel may be requested as authorized by the on duty supervisor, if the accident involves serious injury or death. These specialists are available from the Hamilton County Sheriff's Office (HCSO).
2. Hamilton County Sheriff's Office shall be contacted if the collision involves a death or injury that is likely to result in death.

## 611.3 FIRST RESPONDER RESPONSIBILITIES/PRECAUTIONS

It is the responsibility of the first officer on the scene to establish the proper scope, provide security, and protection of the crime scene until relieved of that responsibility. The police officer assigned to conduct the investigation shall be the officer in charge of the crime scene; however, the on-duty supervisor retains the ultimate responsibility as the supervisor for direction and supervision of all personnel on the crime scene. The on-duty supervisor and the investigating officer should coordinate their efforts to see that all aspects of the investigation are addressed. Once a crime scene is established, only those personnel with a legitimate investigative need are to be allowed to enter the crime scene.

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#### *COLLECTION AND PRESERVATION OF EVIDENCE*

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It shall be the responsibility of the investigating officer to determine if a crime scene is to be processed for physical evidence. A Crime Scene Evidence Technician may be summoned to the scene at the discretion of the on-duty supervisor if the investigating officers do not have the required training to process the scene.

#### **611.4 PROCEDURES FOR COLLECTION, STORAGE, AND TRANSPORTATION OF EVIDENCE**

The investigating police officer is responsible for ensuring the crime scene is properly and thoroughly processed for physical evidence to include:

- Establishing a perimeter well beyond the area where evidence may be located and preserving the crime scene until all evidence has been processed or until being relieved of the post.
- Photographing the crime scene and video recording when appropriate.
- Sketching and diagramming the crime scene when appropriate.
- Protecting, collecting, preserving, packaging and transporting physical evidence.
- Limit all subjects and personnel from entering, regardless of the person's position or rank.
- If any individual insists on the need to enter the crime scene area, the officer securing the crime scene will document the person's name, time of entry and exit, and reason stated for entry on the Crime Scene Personnel Log. The individual making entry should be requested to initial the log.
- Ensuring chain of custody documentation for any transfer of evidence.

The Crime Scene Evidence Technician is responsible for advising and assisting the investigating officer in the complete and thorough processing of the crime scene. Other Police Department personnel on the scene shall provide assistance to the investigating officer to include:

- Scene security
- Media relations
- Crowd control
- Other duties as directed

If a crime scene is not processed, the investigating police officer shall indicate on the incident report the reasons and circumstances dictating the decision not to process.

#### **Processing Evidence**

Items processed for evidence in the field may be released to the owner if they are determined not to be of evidentiary value. Items left at the scene by the suspect shall be seized as evidence if they are determined to be of evidentiary value.

Items determined to be of potential evidentiary value, but not processed in the field, shall be collected and properly packaged so as to preserve the evidentiary value, prevent contamination,

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and ensure a complete and adequate sample of items with evidentiary value are obtained. Items collected for processing by a crime lab shall be collected and packaged in accordance with guidelines established by the receiving lab.

Officers processing evidence shall be aware of safety considerations for the collection and transportation of bio-hazardous material.

#### **Collection and Preservation of Physical Evidence**

**COLLECTION OF LIQUID BLOOD SAMPLES AND BODY FLUIDS** – A qualified person shall collect liquid blood and/or body fluids. Liquid samples shall be placed in proper containers and refrigerated or immediately delivered to the appropriate crime lab.

**COLLECTION OF WET OR BLOODY CLOTHING OR FABRIC** – The Police Department garage is available for departmental use to facilitate the drying of any wet evidence. The following procedures should be used when placing evidence in the garage:

- Evidence belonging to different individuals should be separated and not touching. Each individual case, suspect and/or victim should be separated for drying purposes.
- All material or clothing should be placed on hangers if possible. If material will not hang, it should be spread out to facilitate rapid drying.
- Complete an evidence tag with the date, case number and officer signature.
- Put the evidence tag on the item where cross contamination will not effect the evidentiary value.
- Complete a chain of custody form.

All items placed in the garage should be considered a bio-hazard by personnel handling the evidence and appropriate Personal Protection Equipment should be utilized at all times.

The investigating officer will closely monitor the drying process of any items submitted. Once items have dried, they will be removed, packaged and submitted to the Hamilton County Coroner's Lab. Items should be labeled on the outermost packaging with a biohazard warning before submitting.

The area of the garage used will be cleaned after each use by the investigating officer in order to prevent cross-contamination of evidence. An approved disinfectant should be used to thoroughly clean the area.

**COLLECTION AND PACKAGING OF DRUGS** – All controlled substances submitted to property and evidence must be packaged in accordance to the Property Management policy. The weight of the substance should be recorded on the exterior of the package and in the property section of the corresponding case report. For those substances that will be examined at an external lab, a lab request should be submitted with the package.

**COLLECTING AND PREPARING FIREARMS** – The police officer is responsible for handling seized or recovered firearms safely. Firearms needing to be processed for evidence by a crime lab shall be collected, made safe, tagged and placed in an appropriate container. Firearms shall be submitted to the Property & Evidence Unit according to the following procedures:



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- Determine if the firearm should be taken into police custody.
- Unload the weapon with sterile gloves and block the action by inserting and securing a plastic restraint through the cylinder of revolvers; through the magazine well and out the ejection port of semi-automatics; and/or around the receiver of single shot long guns to prevent the breech from closing. Under no circumstances should anything be placed through the barrel.
- Place the weapon securely in an evidence box,
- Complete the property portion of the case report to include:
  - Serial Number
  - Make
  - Model
  - City, State and/or Country of manufacture, if known, and
  - Import information provided on the weapon's frame, if known

Firearms to be processed for evidence by the crime lab shall be collected, made safe, and tagged according to the guidelines established by the crime lab to which the firearms are to be submitted.

**COLLECTING AND PROCESSING SHELL CASINGS** – Any shell casings located at a crime scene, or recovered at a “shots fired” call or other call for service, or recovered by any citizen will be collected and submitted to the Property Management Officer (PMO) along with a case report. Qualifying casings will then be submitted to an approved agency in a timely manner to be examined and subsequently entered into NIBIN. Supplemental case reports are required once a casing is sent for examination.

**COLLECTING AND PACKAGING MONEY** – All cash shall be counted in the presence of another officer and the envelope initialed by both officers. The PMO shall be contacted for cash in excess of \$1,000. A supervisor or the PMO shall also witness the count of cash in excess of \$1000, and will initial and date the property documentation and specify any additional security procedures to be used. All money shall be packaged separately from other evidence or property. For all counterfeit money, the serial number must be recorded on both the property section of the case report as well as the property envelope.

**SYRINGES, SHARPS, AND OTHER BIO-HAZARDS** – syringe tubes should be used to package syringes and needles. All bio-hazards should be clearly labeled as such.

**COLLECTION OF SEXUAL ASSAULT KITS** - Completed sexual assault kits retrieved during an investigation must be submitted to Property and Evidence for tracking purposes prior to being tested at an external laboratory. All sexual assault cases which are not proven to be unfounded will have the associated kit submitted to a qualified laboratory for DNA comparison.

**DNA EVIDENCE** – Because extremely small samples of DNA can be used as evidence greater attention to the meticulous collection and preservation of DNA evidence is necessary. Potential contamination or secondary transfer of DNA can affect DNA evidence during the collection,

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packaging, and transportation of the evidence to the property and evidence custodian or the laboratory, and during evidence analysis and storage.

#### **611.5 PROCEDURES FOR SUBMISSION OF EVIDENCE**

##### **Collection, Storage, and transportation of DNA evidence**

- To reduce the risk of contamination or destruction, a sequence of evidence collection is suggested. Trace evidence, hair, fibers and biological fluids should be collected first. This should be followed with the collection of visible fingerprint or footwear patterns, tool marks, and finally, evidence that requires powder or chemical enhancement. Ultimately, the decision on what processing steps are needed in the crime scene is left to the judgment of the Forensic Services Specialist.
- DNA samples of known suspects may be collected by sworn personnel by using the Suspect Buccal Swab Collection Kit (for DNA testing).
- Do not use plastic bags or staples in packaging DNA evidence.
- When transporting DNA evidence to the laboratory, it shall be kept dry and at room temperature.

##### **Submission of DNA evidence to accredited laboratories**

- Requests for DNA analysis may be submitted, along with the evidence, to the Hamilton County Coroner's Lab, or to The Ohio Bureau of Criminal Investigation to complete comparable testing.
- All sexual assault/rape kits must be submitted for testing for all cases unless the case has been designated as unfounded.
- The investigator assigned to a particular case is responsible for requesting laboratory examinations and for identifying what forensic test(s) should be performed.
- All examination request forms will be completed in full. The request should be submitted to the lab conducting the analysis.
- Sexual assault kits can be hand-delivered to the state crime lab as needed. Kits transferred to the state crime lab can be transported by the detective during routine visits to the lab or by the individual assigned to the case. All evidence delivered to any forensic laboratory will be properly receipted by having the official accepting custody complete the Chain of Custody section on the Evidence Submission Form. Any corresponding paperwork shall be returned to the PMO who will enter the information into the records management system.
- When evidence is released from the Forensic Laboratory, the PMO, or appropriate investigating officer, that receives custody of the evidence will sign and date the Chain of Custody form and return it to the PMO for filing.
- Written results of a laboratory analysis should be returned with the evidence and documented in the case report.

##### **CODIS – Combined DNA Index System**

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CODIS, an electronic database of DNA profiles that can identify suspects, and is similar to the AFIS database used for fingerprint identification. All states have implemented a DNA index of individuals convicted of certain crimes. This CODIS System is available through the State Crime Laboratory and through CAFDA if requested by law enforcement.

**OTHER TYPES OF EVIDENCE** – Types of evidence not discussed in this procedure shall be collected in accordance with guidelines established by the crime scene lab selected to receive the evidence.

#### **Processing Recovered Stolen Vehicles**

Processing recovered stolen vehicles will be conducted in compliance with *Police Chiefs General Order 46-2018 Recovered Stolen Auto Process*.

[See attachment: CGO46 Recovered Stolen Auto Process.pdf](#)

#### **Crime Scene Sketches**

Sketches and diagrams made pursuant to the collection and preservation of evidence shall include:

- Dimensions
- Geographical relationship of the crime scene
- Address or other location description of the crime scene
- Location of significant features of the crime scene
- Compass orientation of the crime scene
- Names of persons preparing the sketch or diagram
- Date and time of preparation
- Documentation of physical evidence in its original location prior to the collection of such evidence
- Other sufficient information so that a final scale drawing may be made later

#### **611.6 TRANSFER OF CUSTODY OF PHYSICAL EVIDENCE**

##### **Sealing, Marking, Labeling, and Transferring Physical Evidence**

All property collected by the Mount Healthy Police Department personnel that is of evidentiary value must be submitted to property and evidence in order to establish and maintain a chain of custody before transferring custody. Property must be packaged, sealed and labeled according to the Property Management Policy. A chain of custody shall be established and maintained. Items of physical evidence should not be marked or otherwise defaced or damaged.

Items of physical evidence should be packaged or placed in paper bags or other appropriate tamper-proof containers and then sealed. Containers should be sealed with packaging tape or transparent tape. The seal should be marked with the initials of the police officer collecting or submitting the evidence and the date. The seal should be made in such a manner that tampering

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with the seal would be immediately evident, using a Sharpie pen or other permanent marker. Items that cannot be packaged in containers should be affixed with an evidence label or tag. Sealed containers shall be affixed with an appropriate evidence label or tag indicating:

- Case number
- Item description (including numerical identifiers when available)
- Investigating officer's name and number
- Name and address of the owner, victim, suspect, or finder.
- Identification of property type as arrest evidence, investigation evidence, decedent's evidence and/or other.

Large items having evidentiary value, such as vehicles, may be stored in the Mount Healthy Police Department Garage or another storage facility. A case report with the completed property section must be completed at the time of storage in order to maintain a chain of custody for these items. All doors will be locked to prevent entry while the evidence is being held in the garage or other storage facility. All entries will be properly documented to preserve the integrity of the evidence.

#### **Special Precautions for Contaminated Evidence**

All police officers must be aware of the potential for contracting contagious diseases by improper handling of human blood or body fluids and must take appropriate steps to avoid infections.

It is the policy of the Mount Healthy Police Department that all evidence which has been contaminated by or which contains human blood or body fluids shall be handled as if it carries a contagious disease and shall be considered contaminated. The evidence shall be labeled with the appropriate bio-hazard label. Any evidence which has been carried in any body cavity shall be considered to be contaminated evidence.

All Department personnel submitting evidence into property shall notify the PMO whenever contaminated evidence is being submitted for processing. The notification of such contamination must be properly noted in the case report and the Evidence Submission Form.

#### **611.7 EQUIPMENT AND SUPPLIES**

##### **Crime Scene Search Vehicles**

Vehicles assigned to the Mount Healthy Police Department police officers and the detective shall be specially equipped to allow effective and timely processing of crime or traffic crash scenes. Mount Healthy Police Department Policy and Procedures Manual, Chapter 41, lists the kinds of equipment maintained in the crime scene search vehicles which include:

- Latent Fingerprint Development Kit [CALEA 83.2.4(a)]
- Photography and Videography is available in a locked cabinet at the Mount Healthy Police Department [CALEA 83.2.4 (b)]
- Tools necessary for a sketch and/or digital rendering of the crime scenes [CALEA 83.2.4(c)].

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- Equipment and supplies used in the collection and preservation of physical evidence. [CALEA 83.2.4(d)].

The Mount Healthy Police Department Policy and Procedures Manual, Chapter 41, lists the equipment required to be maintained in all vehicles, which may be needed in response to traffic crashes or emergencies.

#### **611.8 REPORT PREPARATION**

##### **Crime Scene/Traffic Crash Supplementary Reports**

The investigating police officer, or other police officer assigned to process a crime or traffic crash scene shall complete a report of those activities. This report shall be included as a supplement to the incident report. The identification/crime scene supplementary report shall include:

- Date and time of arrival at the scene
- Location of the crime
- Names of victims
- Names of suspects
- Actions taken at the scene including number of photographs taken, whether measurements were taken and a descriptive of any other scene processing techniques utilized
- A case file reference number
- Inventory of evidence

If a Crime Scene Technician is summoned to a crime scene, in addition to the above information, the report should include:

- The date and time the request is received.

#### **611.9 EVIDENCE, LABORATORY SUBMISSION**

The following establishes procedures for submitting perishable evidence to a an accredited forensic laboratory, which include:

##### **611.9.1 PERSON RESPONSIBLE FOR SUBMITTING EVIDENCE**

The investigating police officer is ultimately responsible for seeing that evidence is submitted in a timely manner to the appropriate laboratory for analysis using the established procedures and examination request forms of the intended laboratory.

##### **611.9.2 METHODS FOR PACKAGING AND TRANSMITTING EVIDENCE TO THE LABORATORY**

The investigating police officer shall properly tag or package evidence and submit it to the appropriate laboratory with the completed Evidence Submission Form. The police officer shall indicate on the property report that the evidence is to be submitted to the appropriate laboratory.

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The transfer of evidence shall be documented using the correct property control forms to establish and maintain the chain of custody.

##### 611.9.3 TYPES OF DOCUMENTATION TO ACCOMPANY EVIDENCE AND WHEN TRANSMITTED

The Mount Healthy Police Department has access to and uses several crime laboratories including:

- Ohio Bureau of Criminal Investigation
- Cincinnati Police Department
- Green Township Police Department
- Hamilton County Coroner's Laboratory

The associated evidence submission form and a copy of the Incident report shall be attached with the evidence to be tested when submitted to any of these crime laboratories.

When the submission of perishable evidence to a crime laboratory is delayed, the investigating police officer shall indicate the reasons and circumstances on the incident report or on a supplementary report form.

##### 611.9.4 RECEIPTS TO ENSURE CHAIN OF EVIDENCE

When physical evidence is transferred to a laboratory for analysis, records shall be maintained indicating the:

- Name of the police officer last having custody of the property and responsible for submitting the evidence to the laboratory
- Date and time of submission or mailing of the property to the laboratory
- Method of submission of property to the laboratory, i.e., mailing or hand delivery
- Date and time of receipt by the laboratory
- Name and signature of the laboratory employee receiving the evidence
- Name of the police officer requesting the examination
- Name of the investigating police officer

##### 611.9.5 STIPULATION THAT LABORATORY RESULTS BE SUBMITTED IN WRITING

The crime laboratories used by the Mount Healthy Police Department provide a written report of all laboratory test results. If a crime laboratory does not normally provide a written report of test results, the police officer submitting the evidence should specifically request a written report of the laboratory test results.

## Chapter 7 - Equipment

## Department-Owned and Personal Property

### 700.1 PURPOSE AND SCOPE

This policy addresses the care of department-owned property and the role of the Department when personal property, the property of another, or department-owned property is damaged or lost.

### 700.2 DEPARTMENT-ISSUED PROPERTY

The Administration supervisor should document all property and equipment issued by the Department in the appropriate file at the time of issuance. Receipt of issued items shall be acknowledged by the receiving member's signature. Upon separation from the Department, all issued property and equipment shall be returned. Documentation of the return shall be acknowledged by the signature of a supervisor.

#### 700.2.1 CARE OF DEPARTMENT PROPERTY

Employees shall be responsible for the safekeeping, serviceable condition, proper care, use and replacement of Department property assigned or entrusted to them. An employee's intentional or negligent abuse, misuse, or loss of Department property may lead to discipline including, but not limited to, the cost of repair or replacement.

A Sergeant designated by the Police Chief shall be responsible for the issuance, distribution, and operational readiness of approved Department property to authorized users and for the maintenance of all records relative to that distribution. Initial issue of all Department approved equipment shall be accomplished during the orientation process of the newly appointed employee. The items issued shall be documented on the Uniform and Equipment Issued form. Inspection for Operational Readiness will be conducted biannually by the designated sergeant.

- (a) Employees shall promptly report through the chain of command, any loss, damage to or unserviceable condition of any Mount Healthy Police Department-issued property or equipment assigned for their use.
  - 1. A supervisor receiving such a report shall conduct an appropriate investigation and direct a memo to the Police Chief that shall include the result of his/her investigation and whether the employee followed proper procedures. The supervisor's report shall address whether reasonable care was taken to prevent the loss, damage or unserviceable condition.
- (b) The use of damaged or unserviceable Department property should be discontinued as soon as practicable and, if appropriate and approved by the staff, replaced with comparable Department property as soon as available and following notice to a supervisor.
- (c) Except when otherwise directed by competent authority or required by exigent circumstances, Department property shall only be used by those to whom it was assigned. Use should be limited to official purposes and in the capacity for which it was designed.
- (d) Department property shall not be thrown away, sold, traded, donated, destroyed or otherwise disposed of without proper authority.



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- (e) In the event that any Department property becomes damaged or unserviceable, no employee shall attempt to repair the property without prior approval of a supervisor.

#### **700.3 PERSONAL PROPERTY**

Carrying and/or using personal property or equipment on-duty requires prior written approval by the Chief of Police or the appropriate Sergeant. The member should submit a request that includes a description of the property and the reason and length of time it will be used. Personal property of the type routinely carried by persons who are not performing law enforcement duties, and that is not a weapon, is excluded from this requirement.

The Department will not replace or repair items (e.g., jewelry, expensive watches) that are not reasonably required as part of work.

##### 700.3.1 DEFINITIONS

Definitions related to this policy include:

**Personal Property** - Items or equipment owned by, provided by or purchased totally at the expense of the employee. This definition includes optional equipment items identified in the Police Uniform Regulations Policy.

##### 700.3.2 FILING CLAIMS FOR PERSONAL PROPERTY

Claims for reimbursement for damage or loss of personal property must be made on the proper form. This form is submitted to the employee's immediate supervisor. The supervisor may require a separate written report of the loss or damage.

The supervisor receiving such a report shall make an appropriate investigation and direct a memo to the Police Chief that shall include the result of his/her investigation and whether reasonable care was taken to prevent the loss, damage or unserviceable condition.

Upon review by the staff and a finding that no misconduct or negligence was involved, repair or replacement may be recommended by the Chief of Police, **who will then forward the claim to the finance department.**

The Department will not replace or repair costly items (e.g., jewelry, exotic equipment) that are not reasonably required as a part of work.

##### 700.3.3 REPORTING REQUIREMENT

A verbal report shall be made to the employee's immediate supervisor as soon as circumstances permit.

A written report shall be submitted before the employee goes off-duty or within the time frame directed by the supervisor to whom the verbal report is made.

#### **700.4 LOSS OR DAMAGE OF PROPERTY OF ANOTHER**

Officers and other employees intentionally or unintentionally may cause damage to the real or personal property of another while performing their duties. Any employee who damages or causes

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to be damaged any real or personal property of another while performing any law enforcement function shall report it as provided below.

- (a) A verbal report shall be made to the employee's immediate supervisor as reasonably soon as circumstances permit.
- (b) A written report shall be submitted before the employee goes off-duty or within the time frame directed by the supervisor to whom the verbal report was made.

#### **700.4.1 DAMAGE BY PERSON OF ANOTHER AGENCY**

If employees of another jurisdiction cause damage to personal property or property belonging to the City of Mt. Healthy, it shall be the responsibility of the employee present or the employee responsible for the property to make a verbal report to his/her immediate supervisor as reasonably soon as circumstances permit. The employee shall submit a written report before going off-duty or as otherwise directed by the supervisor.

These written reports, accompanied by the supervisor's written report, shall promptly be forwarded to the appropriate Sergeant.

#### **700.5 POLICY**

The Mount Healthy Police Department will ensure that members are issued appropriate property and equipment necessary for the member's job function. The department will take steps to minimize the cost associated with maintaining department property, including personal property authorized for use in the member's duties.

#### **700.6 SUPERVISOR RESPONSIBILITIES**

The supervisor receiving a report that property, including personal property authorized for use, has been damaged should conduct an investigation and direct a memo to the appropriate Sergeant. The memo should include the result of the investigation and whether reasonable care was taken to prevent the loss, damage, or unserviceable condition.

Cases where the supervisor has reason to believe that misconduct or negligence was involved in the loss, damage, or unserviceable condition of property should be handled in accordance with the Standards of Conduct and Personnel Complaints policies.

## Personal Communication Devices

### 701.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for the use of mobile telephones and communication devices, whether issued or funded by the Department or personally owned, while on-duty or when used for work-related purposes.

This policy generically refers to all such devices as Personal Communication Devices (PCDs) but is intended to include all mobile telephones, personal digital assistants (PDAs), wireless capable tablets and similar wireless two-way communications and/or portable internet access devices. PCD use includes, but is not limited to, placing and receiving calls, text messaging, blogging and microblogging, e-mailing, using video or camera features, playing games and accessing sites or services on the internet.

### 701.2 POLICY

The Mount Healthy Police Department allows members to utilize department-issued or funded PCDs and to possess personally owned PCDs in the workplace, subject to certain limitations. Any PCD used while on-duty, or used off-duty in any manner reasonably related to the business of the Department, will be subject to monitoring and inspection consistent with the standards set forth in this policy and applicable Mt. Healthy ordinances and Ohio and federal statutes.

The inappropriate use of a PCD while on-duty may impair officer safety. Additionally, members are advised and cautioned that the use of a personally owned PCD either on-duty or after duty hours for business-related purposes may subject the member and the member's PCD records to civil or criminal discovery or disclosure under applicable public records laws.

Members who have questions regarding the application of this policy or the guidelines contained herein are encouraged to seek clarification from supervisory staff.

### 701.3 PRIVACY EXPECTATION

Members forfeit any expectation of privacy with regard to any communication accessed, transmitted, received or reviewed on any PCD issued or funded by the Department and shall have no expectation of privacy in their location should the device be equipped with location detection capabilities (see the Information Technology Use Policy for additional guidance).

### 701.4 DEPARTMENT-ISSUED PCD

Depending on a member's assignment and the needs of the position, the Department may, at its discretion, issue or fund a PCD for the member's use to facilitate on-duty performance. Department-issued or -funded PCDs may not be used for personal business either on- or off-duty, other than for a family emergency, unless authorized by the Chief of Police or the authorized designee. Such devices and the associated telephone number, if any, shall remain the sole property of the Department and shall be subject to inspection or monitoring (including all related records and content) at any time without notice and without cause.

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Unless a member is expressly authorized by the Chief of Police or the authorized designee for off-duty use of the PCD, the PCD will either be secured in the workplace at the completion of the tour of duty, turned off when leaving the workplace, or passed on to another authorized user if such a program is established.

#### **701.5 PERSONALLY OWNED PCD**

Members may carry a personally owned PCD while on-duty, subject to the following conditions and limitations:

- (a) Permission to carry a personally owned PCD may be revoked if it is used contrary to provision of this policy.
- (b) The Department accepts no responsibility for loss of or damage to a personally owned PCD.
- (c) The PCD and any associated services shall be purchased, used and maintained solely at the member's expense.
- (d) Members have no expectation of privacy with regard to any department business-related communication.
  - (a) Members may use personally owned PCDs on-duty for routine administrative work
- (e) Use of a personally owned PCD while at work or for work-related business constitutes consent for the Department to access the PCD to inspect and copy data to meet the needs of the Department, which may include litigation, public records retention and release obligations and internal investigations.
- (f) If the PCD is carried on-duty, members will provide the Department with the telephone number of the device.
- (g) All work-related documents, emails, photographs, recordings or other public records created or received on a member's personally owned PCD should be transferred to the Mount Healthy Police Department and deleted from the member's PCD as soon as reasonably practicable but no later than the end of the member's shift.

Members are not obligated or required to carry, access, monitor or respond to electronic communications using a personally owned PCD while off-duty. Members may engage in business-related communications. Should members engage in approved off-duty communications or work, members entitled to compensation shall promptly document the time worked and communicate the information to their supervisors to ensure appropriate compensation. Members who independently document off-duty department-related business activities in any manner shall promptly provide the Department with a copy of such records to ensure accurate record keeping.

#### **701.6 USE OF PCD**

The following protocols shall apply to all PCDs that are carried while on-duty or used to conduct department business:

- (a) A PCD shall not be carried in a manner that allows it to be visible while in uniform, unless it is in an approved carrier.

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- (b) All PCDs in the workplace shall be set to silent or vibrate mode.
- (c) A PCD may not be used to conduct personal business while on-duty, except for brief, personal, work-related communications (e.g., informing family of extended hours) or family emergency.
- (d) Members may use a PCD to communicate with other personnel in situations where the use of the radio is either impracticable or not feasible. PCDs should not be used as a substitute for, as a way to avoid or in lieu of emergency radio communications.
- (e) Members are prohibited from taking pictures, making audio or video recordings or making copies of any such picture or recording media unless it is directly related to official department business. Disclosure of any such information to any third party through any means, without the express authorization of the Chief of Police or the authorized designee, may result in discipline.
- (f) Members will not access social networking sites for any purpose that is not official department business.
- (g) Using PCDs to harass, threaten, coerce or otherwise engage in inappropriate conduct with any third party is prohibited. Any member having knowledge of such conduct shall promptly notify a supervisor.

#### **701.7 SUPERVISOR RESPONSIBILITIES**

The responsibilities of supervisor include, but are not limited to:

- (a) Ensuring that members under their command are provided appropriate training on the use of PCDs consistent with this policy.
- (b) Monitoring, to the extent practicable, PCD use in the workplace and taking prompt corrective action if a member is observed or reported to be improperly using a PCD.
  - 1. An investigation into improper conduct should be promptly initiated when circumstances warrant.
  - 2. Before conducting any administrative search of a member's personally owned device, supervisors should consult with the Chief of Police or the authorized designee.

#### **701.8 USE WHILE DRIVING**

The use of a PCD while driving can adversely affect safety, cause unnecessary distractions and present a negative image to the public. Officers operating emergency vehicles should restrict the use of these devices to matters of an urgent nature and should, where practicable, stop the vehicle at an appropriate location to use the PCD (ORC § 4511.204).

Except in an emergency, members who are operating vehicles that are not equipped with lights and siren shall not use a PCD while driving unless the device is specifically designed and configured to allow hands-free use (ORC § 4511.204). Hands-free use should be restricted to business-related calls or calls of an urgent nature.

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### **701.9 OFFICIAL USE**

Members are reminded that PCDs are not secure devices and conversations may be intercepted or overheard. Caution should be exercised while utilizing PCDs to ensure that sensitive information is not inadvertently transmitted and intercepted. As soon as reasonably possible, members shall conduct sensitive or private communications on a land-based or encrypted devices or communications network.

## Vehicle Maintenance

### 702.1 PURPOSE AND SCOPE

Employees are responsible for assisting in maintaining Department vehicles so that they are properly equipped, maintained, refueled and present a clean appearance.

The Patrol Sergeant is responsible for the inspections, maintenance, and roadworthiness of all police vehicles. The Patrol Sergeant may appoint an officer to assist in this task. All equipment stored in a vehicle will be listed on a master inventory sheet kept by the Patrol Sergeant and filed with the Police Clerk.

On the first weekend of the month, the Day Watch Supervisor will inspect each vehicle to ensure cleanliness and all equipment stored in the vehicle is present and accounted for. A monthly Vehicle Inspection Report will be filed with the Police Chief, indicating all vehicles were found to be clean and properly equipped or noting any deficiencies found or listing the equipment missing. Equipment found to be missing or unaccounted for will be thoroughly investigated and disciplinary action may result based on the findings. A Monthly Vehicle Inspection Report will be filed with the Police Chief no later than the second Sunday of the month. A copy will also be maintained in the vehicle jacket and with the Police Clerk.

The Day Watch Supervisor is responsible to ensure all vehicles are serviced and inspected at the beginning of the month. The Service Department will assist and will prepare a vehicle inspection form that will be filed in the Vehicle Log Book.

### 702.1 VEHICLE LOG BOOK

Each vehicle assigned to the Mt. Healthy Police Department will be given a unit number, assigned a vehicle jacket, and indexed in a Vehicle Log. The master Vehicle Log Book will be maintained by the Police Clerk and a copy of the Vehicle Log will be maintained at the roll-call table. All incidents, including, but not limited to, damage reports, auto accidents, maintenance, and repairs will be kept in the log. A copy of the master inventory sheet will be maintained in the Vehicle Log Book. A vehicle damage sheet will be maintained indicating the location of any damage found on a police vehicle. Officer finding damage will mark the area damaged and indicate the date and time with the officer's initials. All damage found will be immediately reported to the on-duty Sergeant or OIC who will notify the Patrol Sergeant.

At the beginning and end of each tour of duty, officers assigned to a vehicle will inspect the vehicle for fresh damage. The inspection is also to include all internal parts of the passenger compartment, including any other factor that affects the safe, efficient and economical operation of the vehicle. Officers will also specifically inspect the tires and oil. Vehicles low on tire pressure or oil will not be driven. If any damage or other deficiencies are found, the officer will immediately notify the on-duty Shift Sergeant or Officer In Charge who will notify the responsible Patrol Sergeant.

All police equipment stored in the vehicle will also be inspected. If any equipment is missing or damaged, immediately report this information to the on-duty Shift Sergeant or Officer In Charge

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who will notify the Patrol Sergeant. Officers failing to do so, will be held responsible for the damage and subject to disciplinary action.

##### **702.1.1 VEHICLE REPAIRS**

With the exception of regular maintenance completed by the Public Works Department (oil change, transmission fluid, coolant, brake fluid, power steering, serpentine belt, battery, air filter, windshield wiper fluid, windshield wiper blades, headlights, signal lights, and spotlight,)no vehicle repair or service will occur without the written approval of the Police Chief. Any damage found will be documented and investigated by the respective shift supervisor finding or reporting the damage. The Patrol Supervisor will review the investigation and forward a copy to the Police Chief within 72 hours of occurrence. A complete report including a cost estimate will be attached to a Purchase Request Form (see CGO 6-2015) and forwarded to the Police Chief for approval before any repairs are made. All Purchase Request Forms and damage estimates documents will be kept by the Police Clerk and filed in the Master Vehicle Jacket

##### **702.1.2 SEVERE USE INSPECTION**

Vehicles operated under severe use conditions, including rough roadway or off-road operation, hard or extended braking, pursuits or prolonged high-speed operation, should be removed from service and subjected to a safety inspection as soon as reasonably possible.

##### **702.1.3 REMOVAL OF WEAPONS**

All firearms, weapons, mobile data computers, and kinetic impact weapons shall be removed from a vehicle and properly secured in the armory prior to the vehicle being released for maintenance, service or repair.

#### **702.3 VEHICLE EQUIPMENT REPLENISHMENT**

Certain items/supplies shall be maintained in all Department vehicles for emergency purposes and to perform routine duties.

Officers shall inspect the patrol vehicle at the beginning of the shift and ensure that the following items/supplies, at a minimum, is present in the vehicle. If during daily shift inspections, or everyday use, it is determined any item(s) is needed: it shall be the responsibility of the officer that found it in that condition to replenish it. If it is determined item replenishment is needed during a monthly inspection, the inspecting officer shall replenish the equipment.

Notification will be made to the replenishing officers assigned sergeant who will follow up to ensure the item(s) has been replenished when completing the Monthly Inspection of police vehicles. At that time, it will be documented on the Monthly Inspection Report that the item(s) was replenished.

##### **702.3.1 PATROL VEHICLES**

- medical kit
- vehicle lock out kit
- flare container with flares



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- DNA kit
- fingerprint kit
- tool kit
- police tape
- 1 roll measuring tape
- 2 retractable tape measure
- spit masks
- sharps container
- white hepa masks
- tire crayon
- rubber gloves
- large property bags
- small property bags
- sharps property containers
- GSR kit
- liquid evidence containers
- sledge hammer
- 2 body armor vests with plates
- medical kit on vest
- boot covers
- rifle mat
- coverall suit
- dog lead
- dog pole
- paper evidence bags
- fire extinguisher
- helmet

#### 702.3.2 UNMARKED VEHICLES

An employee driving an unmarked Department vehicle shall ensure that, at minimum, the equipment listed below is present in the vehicle:

Ballistic Helmet

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Bloodborne Pathogen Kit

Disposable Gowns (2)

DNA Kits

Face Shields (2)

Fingerprint Kit (2)

Fire Boots

Fire Investigator Helmet

Green Plastic Coveralls

Hatchet Pry Tool

large evidence bags

Med Bag

Metal Detector

N95 Masks (3)

paper evidence bags

Perimeter Control PPE Kit

Placards

Police Tape

Rifle Vest

Rubber Gloves

Sharps Container

small evidence bags

Trauma Pack

GSR Kit

Fire Jacket (1)

Casting Kit

Coveralls

Boot Covers

#### **702.4 VEHICLE REFUELING**

Absent emergency conditions or supervisor approval, officers driving patrol vehicles shall not place or operate a vehicle in service that has less than one- half tank of fuel. Vehicles shall only be refueled at an authorized location.

#### **702.5 WASHING OF VEHICLES**

All units shall be kept clean at all times and, weather conditions permitting, shall be washed as necessary to enhance their appearance. Police vehicles are equipped with a bar code that allows police officers while on duty to respond to Mike's Car Wash for cleaning. The receipt will be placed in the Police Chief's in-bin.

Officers Only one marked unit should be at the car wash at a time unless otherwise approved by a supervisor.

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Officers assigned to vehicle are responsible for the cleanliness of the vehicle. Tobacco use is prohibited in all City owned vehicles. Employees using a vehicle shall remove any trash or debris at the end of the shift. Confidential documents should be placed in a designated receptacle provided for the shredding of this material.

#### **702.6 CIVILIAN EMPLOYEE USE**

Civilian employees using marked vehicles shall ensure all weapons are removed from the vehicle before going into service. Civilian employees shall also prominently display the "out of service" placards at all times. Civilian employees shall not operate the emergency lights or siren of any vehicle unless expressly authorized by a supervisor.

## Vehicle Use

### 703.1 PURPOSE AND SCOPE

The purpose of this policy is to establish a system of accountability to ensure department vehicles are used appropriately. This policy provides guidelines for on- and off-duty use of department vehicles and shall not be construed to create or imply any contractual obligation by the City of Mt. Healthy to provide assigned take-home vehicles.

### 703.2 POLICY

The Mount Healthy Police Department provides vehicles for department-related business and may assign patrol and unmarked vehicles based on a determination of operational efficiency, economic impact to the Department, requirements for tactical deployments and other considerations.

### 703.3 USE OF VEHICLES

#### 703.3.1 SHIFT ASSIGNED VEHICLES

The Shift Supervisor shall ensure a copy of the shift assignment roster indicating member assignments and vehicle numbers is completed for each shift and retained in accordance with the established records retention schedule. If a member exchanges vehicles during his/her shift, the new vehicle number shall be documented on the roster.

#### 703.3.2 OTHER USE OF VEHICLES

Members utilizing a vehicle for any purpose other than their normally assigned duties or normal vehicle assignment (e.g., transportation to training, community event) shall first notify the Shift Supervisor. A notation will be made on the shift assignment roster indicating the member's name and vehicle number.

This subsection does not apply to those who are assigned to vehicle transportation duties to and from the maintenance yard or carwash.

#### 703.3.3 INSPECTIONS

Members shall be responsible for inspecting the interior and exterior of any assigned vehicle before taking the vehicle into service and at the conclusion of their shifts. Any previously unreported damage, mechanical problems, unauthorized contents or other problems with the vehicle shall be promptly reported to a supervisor and documented as appropriate.

The interior of any vehicle that has been used to transport any person other than a member of this department should be inspected prior to placing another person in the vehicle and again after the person is removed. This is to ensure that unauthorized or personal items have not been left in the vehicle.

When transporting any suspect, prisoner or arrestee, the transporting member shall search all areas of the vehicle that are accessible by the person before and after that person is transported.

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All department vehicles are subject to inspection and/or search at any time by a supervisor without notice and without cause. No member assigned to or operating such vehicle shall be entitled to any expectation of privacy with respect to the vehicle or its contents.

#### 703.3.4 SECURITY AND UNATTENDED VEHICLES

Unattended vehicles should be locked and secured at all times. No key should be left in the vehicle except when it is necessary that the vehicle be left running (e.g., continued activation of emergency lights, canine safety, equipment charging). Officers who exit a vehicle rapidly in an emergency situation or to engage in a foot pursuit must carefully balance the need to exit the vehicle quickly with the need to secure the vehicle.

Members shall ensure all weapons are secured while the vehicle is unattended.

#### 703.3.5 MDC

Members assigned to vehicles equipped with a Mobile Data Computer (MDC) shall log onto the MDC with the required information when going on-duty. If the vehicle is not equipped with a working MDC, the member shall notify the Communications Center. Use of the MDC is governed by the Mobile Data Computer Use Policy.

#### 703.3.6 VEHICLE LOCATION SYSTEM

Patrol and other vehicles, at the discretion of the Chief of Police, may be equipped with a system designed to track the vehicle's location. While the system may provide vehicle location and other information, members are not relieved of their responsibility to use required communication practices to report their location and status.

Members shall not make any unauthorized modifications to the system. At the start of each shift, members shall verify that the system is on and report any malfunctions to their supervisor. If the member finds that system is not functioning properly at any time during the shift, he/she should exchange the vehicle for one with a working system, if available.

System data may be accessed by supervisors at any time. However, access to historical data by other than supervisors will require Sergeant approval.

All data captured by the system shall be retained in accordance with the established records retention schedule.

#### 703.3.7 KEYS

Members approved to operate marked patrol vehicles should be issued a copy of the key as part of their initial equipment distribution. Members who are assigned a specific vehicle should be issued keys for that vehicle.

Members shall not duplicate keys. The loss of a key shall be promptly reported in writing through the member's chain of command.

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##### **703.3.8 AUTHORIZED PASSENGERS**

Members operating department vehicles shall not permit persons other than City personnel or persons required to be conveyed in the performance of duty, or as otherwise authorized, to ride as passengers in the vehicle, except as stated in the Ride-Along Policy.

##### **703.3.9 ALCOHOL**

Members who have consumed alcohol are prohibited from operating any department vehicle unless it is required by the duty assignment (e.g., task force, undercover work). Regardless of assignment, members may not violate state law regarding vehicle operation while intoxicated.

##### **703.3.10 PARKING**

Except when responding to an emergency or when urgent department-related business requires otherwise, members driving department vehicles should obey all parking regulations at all times.

Department vehicles should be parked in assigned stalls. Members shall not park privately owned vehicles in stalls assigned to department vehicles or in other areas of the parking lot that are not so designated unless authorized by a supervisor. Privately owned motorcycles shall be parked in designated areas.

##### **703.3.11 ACCESSORIES AND/OR MODIFICATIONS**

There shall be no modifications, additions or removal of any equipment or accessories without written permission from the assigned vehicle program manager.

##### **703.3.12 CIVILIAN MEMBER USE**

Civilian members using marked emergency vehicles shall ensure that all weapons have been removed before going into service. Civilian members shall prominently display the “out of service” placards or light bar covers at all times. Civilian members shall not operate the emergency lights or siren of any vehicle unless expressly authorized by a supervisor.

#### **703.4 INDIVIDUAL MEMBER ASSIGNMENT TO VEHICLES**

Department vehicles may be assigned to individual members at the discretion of the Chief of Police. Vehicles may be assigned for on-duty and/or take-home use. Assigned vehicles may be changed at any time. Permission to take home a vehicle may be withdrawn at any time.

The assignment of vehicles may be suspended when the member is unable to perform his/her regular assignment.

##### **703.4.1 ON-DUTY USE**

Vehicle assignments shall be based on the nature of the member’s duties, job description and essential functions, and employment or appointment status. Vehicles may be reassigned or utilized by other department members at the discretion of the Chief of Police or the authorized designee.

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##### 703.4.2 UNSCHEDULED TAKE-HOME USE

Circumstances may arise where department vehicles must be used by members to commute to and from a work assignment. Members may take home department vehicles only with prior approval of a supervisor and shall meet the following criteria:

- (a) The circumstances are unplanned and were created by the needs of the department.
- (b) Other reasonable transportation options are not available.
- (c) The member lives within a reasonable distance (generally not to exceed a 60-minute drive time) of the Mt. Healthy City limits.
- (d) Off-street parking will be available at the member's residence.
- (e) Vehicles will be locked when not attended.
- (f) All firearms, weapons and control devices will be removed from the interior of the vehicle and properly secured in the residence when the vehicle is not attended, unless the vehicle is parked in a locked garage.

##### 703.4.3 ASSIGNED VEHICLES

Assignment of take-home vehicles shall be based on the location of the member's residence, the nature of the member's duties, job description and essential functions, and employment or appointment status. Residence in the City of Mt. Healthy is a prime consideration for assignment of a take-home vehicle. Members who reside outside the City of Mt. Healthy may be required to secure the vehicle at a designated location or the Department at the discretion of the Chief of Police.

Department members shall sign a take-home vehicle agreement that outlines certain standards, including, but not limited to, how the vehicle shall be used, where it shall be parked when the member is not on-duty, vehicle maintenance responsibilities and member enforcement actions.

Members are cautioned that under federal and local tax rules, personal use of a City vehicle may create an income tax liability for the member. Questions regarding tax rules should be directed to the member's tax adviser.

Criteria for use of take-home vehicles include the following:

- (a) Vehicles shall only be used for work-related purposes and shall not be used for personal errands or transports, unless special circumstances exist and the Chief of Police or a Sergeant gives authorization.
- (b) Vehicles may be used to transport the member to and from the member's residence for work-related purposes.
- (c) Vehicles will not be used when off-duty except:
  - 1. In circumstances when a member has been placed on call by the Chief of Police or Sergeants and there is a high probability that the member will be called back to duty.

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2. When the member is performing a work-related function during what normally would be an off-duty period, including vehicle maintenance or travelling to or from a work-related activity or function.
  3. When the member has received permission from the Chief of Police or Sergeants.
  4. When the vehicle is being used by the Chief of Police, Sergeants or members who are in on-call administrative positions.
  5. When the vehicle is being used by on-call investigators.
- (d) While operating the vehicle, authorized members will carry and have accessible their duty firearms and be prepared to perform any function they would be expected to perform while on-duty.
- (e) The two-way communications radio, MDC and global positioning satellite device, if equipped, must be on and set to an audible volume when the vehicle is in operation.
- (f) Unattended vehicles are to be locked and secured at all times.
1. No key should be left in the vehicle except when it is necessary that the vehicle be left running (e.g., continued activation of emergency lights, canine safety, equipment charging).
  2. All weapons shall be secured while the vehicle is unattended.
  3. All department identification, portable radios and equipment should be secured.
- (g) Vehicles are to be parked off-street at the member's residence unless prior arrangements have been made with the Chief of Police or the authorized designee. If the vehicle is not secured inside a locked garage, all firearms and kinetic impact weapons shall be removed and properly secured in the residence (see the Firearms Policy regarding safe storage of firearms at home).
- (h) Vehicles are to be secured at the member's residence or the appropriate department facility, at the discretion of the Department when a member will be away (e.g., on vacation) for periods exceeding one week.
1. If the vehicle remains at the residence of the member, the Department shall have access to the vehicle.
  2. If the member is unable to provide access to the vehicle, it shall be parked at the Department.
- (i) The member is responsible for the care and maintenance of the vehicle.

#### 703.4.4 ENFORCEMENT ACTIONS

When driving a take-home vehicle to and from work outside of the jurisdiction of the Mount Healthy Police Department or while off-duty, an officer shall not initiate enforcement actions except in those circumstances where a potential threat to life or serious property damage exists (see the Off-Duty Law Enforcement Actions and Law Enforcement Authority policies).

Officers may render public assistance when it is deemed prudent (e.g., to a stranded motorist).



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Officers driving take-home vehicles shall be armed, appropriately attired and carry their department-issued identification. Officers should also ensure that department radio communication capabilities are maintained to the extent feasible.

#### **703.4.5 MAINTENANCE**

Members are responsible for the cleanliness (exterior and interior) and overall maintenance of their assigned vehicles. Cleaning and maintenance supplies will be provided by the Department. Failure to adhere to these requirements may result in discipline and loss of vehicle assignment. The following should be performed as outlined below:

- (a) Members shall make daily inspections of their assigned vehicles for service/maintenance requirements and damage.
- (b) It is the member's responsibility to ensure that his/her assigned vehicle is maintained according to the established service and maintenance schedule.
- (c) All scheduled vehicle maintenance and car washes shall be performed as necessary at a facility approved by the department supervisor in charge of vehicle maintenance.
- (d) The Department shall be notified of problems with the vehicle and approve any major repairs before they are performed.
- (e) When leaving the vehicle at the maintenance facility, the member will complete a vehicle repair card explaining the service or repair, and leave it on the seat or dash.
- (f) All weapons shall be removed from any vehicle left for maintenance.
- (g) Supervisors shall make, at a minimum, monthly inspections of vehicles assigned to members under their command to ensure the vehicles are being maintained in accordance with this policy.

#### **703.5 UNMARKED VEHICLES**

Vehicles are assigned to various sections and their use is restricted to the respective section and the assigned member, unless otherwise approved by a section supervisor. Any member operating an unmarked vehicle shall record vehicle usage on the sign-out log maintained in the section for that purpose. Any use of unmarked vehicles by those who are not assigned to the section to which the vehicle is assigned shall also record the use with the Shift Supervisor on the shift assignment roster.

#### **703.6 DAMAGE, ABUSE AND MISUSE**

When any department vehicle is involved in a traffic collision or otherwise incurs damage, the involved member shall promptly notify a supervisor. Any traffic collision report shall be filed with the agency having jurisdiction (see the Traffic Collision Response and Reporting Policy).

Damage to any department vehicle that was not caused by a traffic collision shall be immediately reported during the shift in which the damage was discovered, documented in memorandum format and forwarded to the Shift Supervisor. An administrative investigation should be initiated to determine if there has been any vehicle abuse or misuse.

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#### **703.7 TOLL ROAD ACCESS**

Law enforcement vehicles are exempt from incurring toll road charges while being used in the performance of official duties (ORC § 5537.16; OAC § 5537-4-05).

The administrative person assigned to fleet operations shall maintain a record of all exempt and nonexempt license plates and shall notify the Ohio Turnpike and Infrastructure Commission or other appropriate toll road authority regarding department vehicles that traverse the toll roads while in the performance of their official duties in order to prevent toll charges from occurring (ORC § 5537.16).

To avoid unnecessary toll road charges, all members operating department vehicles on a toll road shall adhere to the following:

- (a) Members operating department vehicles for any reason other than while in the performance of their official duties shall pay the appropriate toll charge or utilize the appropriate personal toll way transponder.
- (b) Members passing through a toll plaza or booth while in the performance of their official duties shall notify, in writing, the appropriate Sergeant within five working days explaining the circumstances.

#### **703.7 ATTIRE AND APPEARANCE**

When operating any department vehicle while off-duty, members may dress in a manner appropriate for their intended activity. Whenever in view of or in contact with the public, attire and appearance, regardless of the activity, should be suitable to reflect positively upon the Department.

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## Cash Handling, Security and Management

### 704.1 PURPOSE AND SCOPE

This policy provides guidelines to ensure department members handle cash appropriately in the performance of their duties.

This policy does not address cash-handling issues specific to the Property and Evidence and Informants policies.

### 704.2 POLICY

It is the policy of the Mount Healthy Police Department to properly handle and document cash transactions and to maintain accurate records of cash transactions in order to protect the integrity of department operations and ensure the public trust.

### 704.3 PETTY CASH FUNDS

The Chief of Police shall designate a person as the fund manager responsible for maintaining and managing the petty cash fund.

Each petty cash fund requires the creation and maintenance of an accurate and current transaction ledger and the filing of invoices, receipts, cash transfer forms and expense reports by the fund manager.

### 704.4 RECEIPTS FOR CASH RECEIVED

Mayor's Court payments shall be maintained by the police clerk. The police and mayor's court clerk shall enter each transaction into the computer and generate a computerized numbered receipt. A receipt shall be given to each person making a payment of any type. All cash or other funds received will be turned over to the police clerk for processing and subsequent deposit and a receipt drafted to document the transaction.

### 704.5 PETTY CASH TRANSACTIONS

The fund manager shall document all transactions on the ledger and other appropriate forms. Each person participating in the transaction shall sign or otherwise validate the ledger, attesting to the accuracy of the entry. Transactions should include the filing of an appropriate receipt, invoice or cash transfer form. Transactions that are not documented by a receipt, invoice or cash transfer form require an expense report.

### 704.6 PETTY CASH AUDITS

The fund manager shall perform an audit no less than on a quarterly basis. This audit requires that the manager and at least one other command staff member, selected by the Chief of Police, review the ledger and verify the accuracy of the accounting. The fund manager and the participating member shall sign or otherwise validate the ledger attesting to the accuracy of all documentation and fund accounting. A discrepancy in the audit requires documentation by those performing the audit and immediate reporting of the discrepancy to the Chief of Police.

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Transference of fund management to another member shall require a separate petty cash audit and involve a command staff member.

A separate audit of each petty cash fund should be completed on a random date, approximately once each year by the Chief of Police or the City.

#### **704.7 ROUTINE CASH HANDLING**

Those who handle cash as part of their property or DART supervisor duties shall discharge those duties in accordance with the Property and Evidence and Informants policies.

Members who routinely accept payment for department services shall discharge those duties in accordance with the procedures established for those tasks.

#### **704.8 OTHER CASH HANDLING**

Members of the Department who, within the course of their duties, are in the possession of cash that is not their property or is outside their defined cash-handling responsibilities shall, as soon as practicable, verify the amount, summon another member to verify their accounting and process the cash for safekeeping or as evidence or found property, in accordance with the Property and Evidence and Informants policies.

Cash in excess of \$1000 requires immediate notification of a supervisor, special handling, verification and accounting by the supervisor. Each member involved in the process shall complete an appropriate report or record entry.

# Personal Protective Equipment

## 705.1 PURPOSE AND SCOPE

This policy identifies the different types of personal protective equipment (PPE) provided by the Department as well the requirements and guidelines for the use of PPE.

This policy does not address ballistic vests or protection from communicable disease, as those issues are addressed in the Body Armor and Communicable Diseases policies.

### 705.1.1 DEFINITIONS

Definitions related to this policy include:

**Personal protective equipment (PPE)** - Equipment that protects a person from serious workplace injuries or illnesses resulting from contact with chemical, radiological, physical, electrical, mechanical or other workplace hazards.

**Respiratory PPE** - Any device that is worn by the user to protect from exposure to atmospheres where there is smoke, low levels of oxygen, high levels of carbon monoxide, or the presence of toxic gases or other respiratory hazards. For purposes of this policy, respiratory PPE does not include particulate-filtering masks such as N95 or N100 masks.

## 705.2 POLICY

The Mount Healthy Police Department endeavors to protect members by supplying certain PPE to members as provided in this policy.

## 705.3 OFFICER RESPONSIBILITIES

Members are required to use PPE as provided in this policy and pursuant to their training.

Members are responsible for proper maintenance and storage of issued PPE. PPE should be stored in an appropriate location so that it is available when needed.

Any member who identifies hazards in the workplace is encouraged to utilize the procedures in the Illness and Injury Prevention Policy to recommend new or improved PPE or additional needs for PPE.

## 705.4 HEARING PROTECTION

Approved hearing protection shall be used by members during firearms training.

Hearing protection shall meet or exceed the requirements provided in OAC § 4167-3-03 and 29 CFR 1910.95.

## 705.5 EYE PROTECTION

Approved eye protection, including side protection, shall be used by members during firearms training. Eye protection for members who wear prescription lenses shall incorporate the prescription (e.g., eye protection that can be worn over prescription lenses). Members shall ensure their eye protection does not interfere with the fit of their hearing protection.

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The Rangemaster shall ensure eye protection meets or exceeds the requirements provided in OAC § 4167-3-03 and 29 CFR 1910.133.

#### **705.6 HEAD AND BODY PROTECTION**

Members who make arrests or control crowds should be provided ballistic head protection with an attachable face shield.

Padded body protection consisting of chest, arm, leg and groin protection should be provided as required by any collective bargaining agreement.

#### **705.7 RESPIRATORY PROTECTION**

The Administration Sergeant is responsible for ensuring a respiratory protection plan is developed and maintained by a trained and qualified member. The plan shall include procedures for (OAC § 4167-3-03; 29 CFR 1910.134):

- (a) Selecting appropriate respiratory PPE based on hazards and risks associated with functions or positions.
- (b) Fit testing, including identification of members or contractors qualified to conduct fit testing.
- (c) Medical evaluations.
- (d) PPE inventory control.
- (e) PPE issuance and replacement.
- (f) Cleaning, disinfecting, storing, inspecting, repairing, discarding, and otherwise maintaining respiratory PPE, including schedules for these activities.
- (g) Regularly reviewing the PPE plan.
- (h) Remaining current with applicable National Institute for Occupational Safety and Health (NIOSH), American National Standards Institute (ANSI), Occupational Safety and Health Administration (OSHA), Environmental Protective Agency (EPA), and state PPE standards and guidelines.

##### **705.7.1 RESPIRATORY PROTECTION USE**

Designated members may be issued respiratory PPE based on the member's assignment (e.g., a narcotics investigator who is involved in clandestine lab investigations).

Respiratory PPE may be worn when authorized by a scene commander who will determine the type and level of protection appropriate at a scene based upon an evaluation of the hazards present.

Scene commanders are responsible for monitoring members using respiratory PPE and their degree of exposure or stress. When there is a change in work area conditions or when a member's degree of exposure or stress may affect respirator effectiveness, the scene commander shall reevaluate the continued effectiveness of the respirator and direct the member to leave the respirator use area when the scene commander reasonably believes (OAC § 4167-3-03; 29 CFR 1910.134):

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- (a) It is necessary for the member to wash his/her face and the respirator facepiece to prevent eye or skin irritation associated with respirator use.
- (b) The member detects vapor or gas breakthrough, or there is a change in breathing resistance or leakage of the facepiece.
- (c) The member needs to replace the respirator, filter, cartridge, or canister.

#### 705.7.2 MEMBER RESPONSIBILITIES FOR RESPIRATORY PROTECTION

Members shall not use self-contained breathing apparatus (SCBA), full-face respirators, or cartridge respirators unless they have completed training requirements for the equipment.

Members exposed to environments that are reasonably known to be harmful due to gases, smoke, or vapors shall use respiratory PPE.

Members using respiratory PPE shall (OAC § 4167-3-03; 29 CFR 1910.134):

- (a) Ensure that they have no facial hair between the sealing surface of the facepiece and the face that could interfere with the seal or the valve function. Members also shall ensure that they have no other condition that will interfere with the face-to-facepiece seal or the valve function.
- (b) Not wear corrective glasses, goggles, or other PPE that interferes with the seal of the facepiece to the face, or that has not been previously tested for use with that respiratory equipment.
- (c) Perform a user seal check per department-approved procedures recommended by the respirator manufacturer each time they put on a tight-fitting respirator.
- (d) Leave a respiratory use area whenever they detect vapor or gas breakthrough, changes in breathing resistance, or leakage of their facepiece and ensure that the respirator is replaced or repaired before returning to the affected area.

#### 705.7.3 GAS MASK

Full-face air-purifying respirators, commonly referred to as gas masks, may be fitted with mechanical pre-filters or combination cartridge/filter assemblies for use in areas where gases, vapors, dusts, fumes, or mists are present. Members must identify and use the correct cartridge based on the circumstances (OAC § 4167-3-03; 29 CFR 1910.134).

A scene commander may order the use of gas masks in situations where the use of a SCBA is not necessary. These incidents may include areas where tear gas has or will be used or where a vegetation fire is burning. Gas masks shall not be used if there is a potential for an oxygen-deficient atmosphere.

Members shall ensure their gas mask filters are replaced whenever:

- (a) They smell, taste, or are irritated by a contaminant.
- (b) They experience difficulty breathing due to filter loading.
- (c) The cartridges or filters become wet.
- (d) The expiration date on the cartridges or canisters has been reached.

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##### **705.7.4 SELF-CONTAINED BREATHING APPARATUS**

Scene commanders may direct members to use SCBA when entering an atmosphere that may pose an immediate threat to life, would cause irreversible adverse health effects or would impair an individual's ability to escape from a dangerous atmosphere. These situations may include but are not limited to:

- (a) Entering the hot zone of a hazardous materials incident.
- (b) Entering any area where contaminant levels may become unsafe without warning, or any situation where exposures cannot be identified or reasonably estimated.
- (c) Entering a smoke- or chemical-filled area.

The use of SCBA should not cease until approved by a scene commander.

##### **705.7.5 RESPIRATOR FIT TESTING**

No member shall be issued respiratory PPE until a proper fit testing has been completed by a designated member or contractor (OAC § 4167-3-03; 29 CFR 1910.134):

After initial testing, fit testing for respiratory PPE shall be repeated (OAC § 4167-3-03; 29 CFR 1910.134):

- (a) At least once every 12 months.
- (b) Whenever there are changes in the type of SCBA or facepiece used.
- (c) Whenever there are significant physical changes in the user (e.g., obvious change in body weight, scarring of the face seal area, dental changes, cosmetic surgery or any other condition that may affect the fit of the facepiece seal).

All respirator fit testing shall be conducted in negative-pressure mode.

##### **705.7.6 RESPIRATORY MEDICAL EVALUATION QUESTIONNAIRE**

No member shall be issued respiratory protection that forms a complete seal around the face until (OAC § 4167-3-03; 29 CFR 1910.134):

- (a) The member has completed a medical evaluation that includes a medical evaluation questionnaire.
- (b) A physician or other licensed health care professional has reviewed the questionnaire.
- (c) The member has completed any physical examination recommended by the reviewing physician or health care professional.

##### **705.8 RECORDS**

The Police Chief is responsible for maintaining records of all:

- (a) PPE training.
- (b) Initial fit testing for respiratory protection equipment.
- (c) Annual fit testing.



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- (d) Respirator medical evaluation questionnaires and any subsequent physical examination results.

1. These records shall be maintained in a separate confidential medical file.

The records shall be maintained in accordance with the established records retention schedule, OAC § 4167-3-03 and 29 CFR 1910.134.

#### **705.9 TRAINING**

Members should be trained in the respiratory and other hazards to which they may be potentially exposed during routine and emergency situations.

All members shall be trained in the proper use and maintenance of PPE issued to them, including when the use is appropriate; how to put on, remove, and adjust PPE; how to care for the PPE; and the limitations (OAC § 4167-3-03; 29 CFR 1910.132).

Members issued respiratory PPE shall attend annual training on the proper use of respiratory protection devices (OAC § 4167-3-03; 29 CFR 1910.134).

## **Chapter 8 - Support Services**

## Crime Analysis

### 800.1 PURPOSE AND SCOPE

Crime analysis should provide current, useful information to aid operational personnel in meeting its tactical crime control and prevention objectives. Crime Analysis is intended to help identify and analyze the methods of operation of individual criminals, providing crime pattern recognition and analysis of data from field interrogations and arrests. Crime analysis can be useful to the Department's long-range planning efforts by providing estimates of future crime trends and assisting in the identification of enforcement priorities. The Patrol Sergeant and the Investigative Supervisor will work together to share data and ensure officers engage in data driven crime strategies.

### 800.2 DATA SOURCES

Crime analysis data is extracted from many sources including, but not limited to:

- Crime reports
- Field Interview cards
- Parole and probation records
- Computer Aided Dispatch data
- Department of Public Safety - Crime Records Service

### 800.3 CRIME ANALYSIS FACTORS

The following minimum criteria should be used in collecting data for crime analysis:

- Frequency by type of crime
- Geographic factors
- Temporal factors
- Victim and target descriptors
- Suspect descriptors
- Suspect vehicle descriptors
- Modus operandi factors
- Physical evidence information

### 800.4 CRIME ANALYSIS DISSEMINATION

For a crime analysis system to function effectively, information should be disseminated to the appropriate units or persons on a timely basis. Information that is relevant to the operational and tactical plans of specific line units should be sent directly to those units. Information relevant to the development of the Department's strategic plans should be provided to the appropriate staff units. When information pertains to tactical and strategic plans, it should be provided to all affected units.

## the Communications Center

### 801.1 PURPOSE AND SCOPE

This policy establishes guidelines for the basic functions of the Communications Center. It addresses the immediate information needs of the Department in the course of its normal daily activities and during emergencies.

#### 801.1.1 CERTIFICATION STANDARDS

This policy contains content that pertains to Ohio Collaborative Law Enforcement Agency Certification (OCLEAC) Standards.

[See attachment: OCLEAC Standards Compliance Checklist 5-19-2020.pdf](#)

### 801.2 POLICY

It is the policy of the Mount Healthy Police Department to provide 24-hour telephone service, through Hamilton County Communications Section, to the public for information and for routine or emergency assistance.

The Department provides two-way radio capability for continuous communication between the Communications Center and department members in the field.

### 801.3 COMMUNICATIONS CENTER SECURITY

The communications function is vital and central to all emergency service operations. The safety and security of the Communications Center, its members and its equipment must be a high priority. Special security procedures should be established in a separate operations manual for the Communications Center.

Access to the Communications Center shall be limited to the Communications Center members, the Shift Supervisor, command staff and department members with a specific business-related purpose.

### 801.4 RESPONSIBILITIES

#### 801.4.1 COMMUNICATIONS SUPERVISOR

The Chief of Police shall appoint and delegate certain responsibilities to a Communications Supervisor. The Communications Supervisor is directly responsible to the Patrol Sergeant or the authorized designee.

The responsibilities of the Communications Supervisor include but are not limited to:

- (a) Overseeing the efficient and effective operation of the Communications Center in coordination with other supervisors.
- (b) Scheduling and maintaining dispatcher time records.
- (c) Supervising, training, and evaluating dispatchers.
- (d) Ensuring the radio and telephone recording system is operational.

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#### *the Communications Center*

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1. Recordings shall be maintained in accordance with the established records retention schedule and as required by law.
- (e) Processing requests for copies of the Communications Center information for release.
- (f) Maintaining the Communications Center database systems.
- (g) Maintaining and updating the Communications Center procedures manual.
  1. Procedures for specific types of crime reports may be necessary. For example, specific questions and instructions may be necessary when talking with a victim of a sexual assault to ensure that the victim's health and safety needs are met, as well as steps that the victim may take to preserve evidence.
  2. Ensuring dispatcher compliance with established policies and procedures.
  3. Procedures should be consistent with the requirements of OAC 5507-1-06, including requirements that 9-1-1 calls are always an emergency function and guidelines regarding the transfer of calls (OAC 5507-1-06).
- (h) Handling internal and external inquiries regarding services provided and accepting personnel complaints in accordance with the Personnel Complaints Policy.
- (i) Maintaining a current contact list of City personnel to be notified in the event of a utility service emergency.

#### 801.4.2 ADDITIONAL PROCEDURES

The Communications Supervisor should establish procedures for:

- (a) Recording all telephone and radio communications and playback issues.
- (b) Storage and retention of recordings.
- (c) Security of audio recordings (e.g., passwords, limited access, authorized reviewers, preservation of recordings past normal retention standards).
- (d) Availability of current information for dispatchers (e.g., Shift Supervisor contact, rosters, member tracking methods, member contact, maps, emergency providers, tactical dispatch plans).
- (e) Assignment of field members and safety check intervals.
- (f) Emergency Medical Dispatch (EMD) instructions.
- (g) Procurement of external services (e.g., fire suppression, ambulances, aircraft, tow trucks, taxis).
- (h) Protection of essential equipment (e.g., surge protectors, gaseous fire suppression systems, uninterruptible power systems, generators).
- (i) Protection of radio transmission lines, antennas and power sources for the Communications Center (e.g., security cameras, fences).
- (j) Handling misdirected, silent and hang-up calls.
- (k) Handling private security alarms, if applicable.
- (l) Radio interoperability issues.

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#### 801.4.3 DISPATCHERS

Dispatchers report to the Communications Supervisor. The responsibilities of the dispatcher include, but are not limited to:

- (a) Receiving and handling all incoming and transmitted communications, including:
  1. Emergency 9-1-1 lines.
  2. Business telephone lines.
  3. Telecommunications Device for the Deaf (TDD)/Text Telephone (TTY) equipment.
  4. Radio communications with department members in the field and support resources (e.g., fire department, emergency medical services (EMS), allied agency law enforcement units).
  5. Other electronic sources of information (e.g., text messages, digital photographs, video).
- (b) Documenting the field activities of department members and support resources (e.g., fire department, EMS, allied agency law enforcement units).
- (c) Inquiry and entry of information through the Communications Center, department and other law enforcement database systems (e.g., Bureau of Motor Vehicles (BMV) records, Ohio Law Enforcement Automated Data System (LEADS) and NCIC).
- (d) Monitoring department video surveillance systems.
- (e) Maintaining the current status of members in the field, their locations and the nature of calls for service.
- (f) Notifying the Shift Supervisor or field supervisor of emergency activity, including, but not limited to:
  1. Vehicle pursuits.
  2. Foot pursuits.
  3. Assignment of emergency response.

#### 801.5 CALL HANDLING

This department provides members of the public with access to the 9-1-1 system for a single emergency telephone number.

When a call for services is received, the dispatcher will reasonably and quickly attempt to determine whether the call is an emergency or non-emergency, and shall quickly ascertain the call type, location and priority by asking four key questions:

- Where?
- What?
- When?
- Who?

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If the dispatcher determines that the caller has a hearing and/or speech impairment or disability, he/she shall immediately initiate a connection with the individual via available TDD/TTY equipment or Telephone Relay Service (TRS), as mandated by the Americans with Disabilities Act (ADA).

If the dispatcher determines that the caller is a limited English proficiency (LEP) individual, the dispatcher should quickly determine whether sufficient information can be obtained to initiate an appropriate response. If language assistance is still needed, the language is known and a language-appropriate authorized interpreter is available in the Communications Center, the dispatcher should immediately connect the LEP caller to the authorized interpreter.

If no authorized interpreter is available or the dispatcher is unable to identify the caller's language, the dispatcher will contact the contracted telephonic interpretation service and establish a three-party call connecting the dispatcher, the LEP individual and the interpreter.

Dispatchers should be courteous, patient and respectful when dealing with the public.

#### **801.5.1 EMERGENCY CALLS**

A call is considered an emergency when there is an immediate or potential threat to life or serious property damage, and the timely arrival of public safety assistance is of the utmost importance. A person reporting an emergency should not be placed on hold until the dispatcher has obtained all necessary information to ensure the safety of the responding department members and affected individuals.

Emergency calls should be dispatched immediately. The Shift Supervisor shall be notified of pending emergency calls for service when department members are unavailable for dispatch.

#### **801.5.2 NON-EMERGENCY CALLS**

A call is considered a non-emergency call when there is no immediate or potential threat to life or property. A person reporting a non-emergency may be placed on hold, if necessary, to allow the dispatcher to handle a higher priority or emergency call.

The reporting person should be advised if there will be a delay in the dispatcher returning to the telephone line or when there will be a delay in the response for service.

#### **801.5.3 STATE-MANDATED NOTIFICATION**

Dispatchers who receive a call about an apparent drug overdose should make reasonable efforts, upon the caller's inquiry, to inform the caller about the immunity from prosecution for minor drug possession (ORC § 128.04).

#### **801.6 RADIO COMMUNICATIONS**

The police radio system is for official use only, to be used by dispatchers to communicate with department members in the field. All transmissions shall be professional and made in a calm, businesslike manner, using proper language and correct procedures. Such transmissions shall include, but are not limited to:

- (a) Members acknowledging the dispatcher with their radio identification call signs and current location.

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- (b) Dispatchers acknowledging and responding promptly to all radio transmissions.
- (c) Members keeping the dispatcher advised of their status and location.
- (d) Member and dispatcher acknowledgements shall be concise and without further comment unless additional information is needed.

The Communications Supervisor shall be notified of radio procedure violations or other causes for complaint. All complaints and violations will be investigated and reported to the complainant's supervisor and processed through the chain of command.

#### **801.6.1 FEDERAL COMMUNICATIONS COMMISSION COMPLIANCE**

Mount Healthy Police Department radio operations shall be conducted in accordance with Federal Communications Commission (FCC) procedures and requirements.

#### **801.6.2 RADIO IDENTIFICATION**

Radio call signs are assigned to department members based on factors such as duty assignment, uniformed patrol assignment and/or member identification number. Dispatchers shall identify themselves on the radio with the appropriate station name or number, and identify the department member by his/her call sign. Members should use their call signs when initiating communication with the dispatcher. The use of the call sign allows for a brief pause so that the dispatcher can acknowledge the appropriate department member. Members initiating communication with other law enforcement or support agencies shall use their entire radio call sign, which includes the department station name or number.

#### **801.7 DOCUMENTATION**

It shall be the responsibility of the Communications Center to document all relevant information on calls for service or self-initiated activity. Dispatchers shall attempt to elicit, document and relay as much information as possible to enhance the safety of the member and assist in anticipating conditions that may be encountered at the scene. Desirable information would include, at a minimum:

- Incident control number.
- Date and time of request.
- Name and address of the reporting person, if possible.
- Type of incident reported.
- Involvement of weapons, drugs and/or alcohol.
- Location of incident reported.
- Identification of members assigned as primary and backup.
- Time of dispatch.
- Time of the responding member's arrival.
- Time of member's return to service.



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- Disposition or status of reported incident.

#### **801.8 RADIO COMMUNICATIONS PROCEDURES**

The following are procedures for communications between field personnel and the communications center, to include:

##### **801.8.1 METHODS AND CIRCUMSTANCES REQUIRING COMMUNICATIONS BY FIELD PERSONNEL**

Officers shall receive all calls for service by voice transmission as well as delivered to the MDC.

Mount Healthy police officers will be required to communicate with the Communications Center under the following circumstances:

- When Going In and Out of Service.
- When going out at any private residence, including the officer's residence, not related to a call for service. (MDC Status Update).
- Upon Arrival and Clearance at the Scene of any Incident.
- Traffic Stops – Traffic Stops Require the Following Communications.
- Location of Stop.
- Vehicle Registration.
- Description of Vehicle.
- Number of Occupants.
- Officer Initiated Calls.
- As directed by the Communications Center and Department Procedure.

The Communications Center has adopted uniform signals and codes to describe certain types of calls. Personnel shall be knowledgeable of all codes and signals, however; personnel shall utilize plain language to convey their message unless the situation dictates otherwise i.e. communications in the presence of non-agency personnel that require discretion.

##### **801.8.2 RECORDING STATUS OF FIELD PERSONNEL WHEN OUT OF SERVICE**

Personnel shall notify the Communications Center when out of service;

The Communications Center shall record the status in the dispatch system.

##### **801.8.3 METHODS FOR IDENTIFYING FIELD PERSONNEL DURING COMMUNICATIONS**

Personnel shall be identified by the use of a personal identification number. When beginning transmissions through communication systems, personnel shall begin each of their transmissions with their personal identification number.

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#### 801.8.4 COMMUNICATION WITH INTERACTING AGENCIES

The Hamilton County Communications Center and Mount Healthy personnel maintain communication with interacting agencies via the 800 Mhz radio system or mobile data computers, if the agency is a participating member with the Hamilton County Communications Center.

#### 801.8.5 ASSIGNMENT OF THE NUMBER OF FIELD PERSONNEL IN RESPONSE TO AN INCIDENT

See attachment: [HCCC Policy on Call Management.pdf](#)

#### 801.8.6 CIRCUMSTANCES REQUIRING PATROL SUPERVISION AT A SCENE FOR ASSUMING COMMAND

The following incidents shall require the supervising officer to be called to the scene:

- Death Reports.
- Incident where an Officer is a Victim.
- Incident Involving an Aggravated Offense.
- Upon Request of the Complainant.
- Anytime an Officer Requests the Supervisor.
- Use of Force Incidents.
- Traffic Crash Involving City Owned Vehicle.
- Any incident involving the discharge of a firearm.

#### 801.8.7 RESPONDING TO FIELD PERSONNEL EMERGENCY REQUEST FOR ASSISTANCE

City of Mount Healthy police officers have permanently assigned radios which have a unique identifier entered in the computerized dispatch system. Radios and Mobile Data Computers (MDC) have an Emergency Request for Assistance button. When an emergency request for assistance is received, the Communications Center will immediately identify the unit from the radio number and attempt contact on primary channel. If no contact is made in 2 attempts, it should be considered an 'Officer in Trouble' situation and multiple units will be dispatched to the officers' location. Attempts will continue to be made on all channels until contact is made or officers reach the scene.

If contact is made and the officer advises it is an accidental alarm, the dispatcher will advise the officer to reset his alarm. Officers and the Communications Center are aware of reset procedures.

Anytime an officer requires immediate additional assistance they must use the 800 MHz radio either by voice transmission or by pressing the emergency request for assistance button.

#### **801.9 ACCESS TO RESOURCES**

Communications Center personnel have immediate access to at least the following departmental resources:

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##### 801.9.1 OFFICER IN CHARGE

The Officer in charge is identified by his/her call number on MDC login prior to shift.

##### 801.9.2 DUTY ROSTER OF ALL PERSONNEL

The Duty Roster is created by the Communications Center from officer MDC logins prior to each shift. The officers' call number details district assignments. Officers working special details shall notify the Communications Center on their arrival. The Communications Center shall enter the information into the computerized dispatch system.

##### 801.9.3 TELEPHONE NUMBER OF EVERY AGENCY MEMBER

A supervisor will forward to the Communications Center a roster of all department personnel. The roster shall include employee name, badge number, personal telephone number and if applicable, department cellular phone number. A supervisor shall notify the Communications Center when any changes occur in the personnel roster.

##### 801.9.4 VISUAL MAPS DETAILING THE AGENCY'S SERVICE AREA

The Communications Center maintains and provides to personnel visual maps of the department service area.

##### 801.9.5 OFFICER STATUS INDICATORS

The Communications Center maintains a computer aided dispatch system, which provides personnel with the status of on duty units.

##### 801.9.6 WRITTEN PROCEDURES AND TELEPHONE NUMBERS, EXTERNAL SERVICES TO THE AGENCY

The Communications Center maintains written procedures and telephone numbers for procuring emergency and necessary external services for the Mount Healthy Police Department to provide law enforcement and other related services. Such resources include but are not limited to:

- Fire and Rescue Service Agencies;
- Emergency Medical Services.
- Animal Control Agency.
- Social and Welfare Services.
- Other Police Agency Services.
- Motorist Assistance Services.

##### 801.9.7 TACTICAL DISPATCHING PLANS

The Communications Center maintains tactical dispatching plans for missing persons, hold up alarms and active threats such as robbery, rape, abduction, hit skip auto accident with a person injured, and police officer needing assistance; or any act of violence when the suspect has fled the scene and a life squad has been dispatched, such as person assaulted, person shot, and person cut. Broadcasts should include sufficient descriptive information.

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#### **801.10 CALLS FOR SERVICE INFORMATION VICTIM/WITNESS CALLS**

The HCCC maintains a "Manual of Administrative Rules and Operational Procedures. This manual is issued to each employee and is used extensively during the dispatcher training period. Section "B" of that manual is dedicated to telephone operations and includes:

1. Judging characteristics of the call to determine whether an emergency or non-emergency response is required; and
2. Informing the victim/witness of the agency's response, including direct law enforcement service and/or referral to other agencies.

##### 801.10.1 JUDGING CHARACTERISTICS OF THE CALL

TELEPHONE CALL PROCESSING REQUIREMENTS - All telephone calls should be processed in the following manner:

- (a) VERIFY the location of the incident by asking the caller to give the address, location, their name, address and telephone number. Confirm the address by repeating the address, location, and community to the caller AFTER YOU HAVE VERIFIED IT IN THE CAD. Under normal circumstances personnel should not assume that ALI and ANI information is correct.
- (b) The call taker must include the caller's name, address, and the telephone number they are calling from in the appropriate fields of the incident mask. If the caller wishes to remain anonymous do not persist in attempting to obtain the name, but obtain as much other information as possible. If the call received is a 911 call and the caller wishes to remain anonymous, leave the name and phone number in the appropriate fields and state that the caller wishes to remain anonymous in the detail comments. Let the caller know that you cannot guarantee their anonymity due to them calling 911. In order to guarantee their anonymity let them know they should call back on the non-emergency number which is to be provided to the caller. If the call is received via the seven digit non-emergency line and the caller wishes to remain anonymous enter the word "refused" in the "Caller" field.
- (c) VERIFY the nature of the complaint
  1. judging characteristics of the call to determine whether an emergency or nonemergency response is required [CALEA 81.2.6 a].
- (d) Ascertain if any special equipment is needed, such as a fire department, rescue unit, EMS unit, wrecker, etc.
- (e) Document all the information from the caller - write it down if necessary, "NEVER LEAVE ANYTHING TO MEMORY".
- (f) Obtain as much information as possible. If a suspect is involved obtain a description including subject(s) name/sex/race/age/clothing. If associated with a vehicle obtain, color, year, make, model and license number of the vehicle. Get the direction and method of travel if the subject(s) is no longer on scene including the time frame

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#### **801.11 VICTIM/WITNESS REQUESTS FOR INFORMATION**

Victim/Witness callers shall receive timely and appropriate attention to their immediate needs, at all times. Communications center personnel shall inform the caller for service what the agency's response will be to the "Call for Service." The response for service can include officers being dispatched to the scene, referring the caller to another agency or service, or directing them to seek private counsel.

#### **801.12 RECORDING AND PLAYBACK**

##### **801.12.1 MINIMUM THIRTY DAY RECORDING RETENTION**

- (a) With the exception of RCIC, LEADS, and NCIC data, all records created and stored by HCCC are covered under Ohio's Public Records Laws. Certain records containing embedded confidential information may require redaction prior to release. According to Ohio Public Records Laws, files outside the retention period that are still accessible on the primary storage drive, they must be released.
  - 1. Audio files are retained for a period of 6 months.
  - 2. CAD records are retained for a period of 24 months.

##### **801.12.2 SECURE HANDLING/STORAGE OF RECORDINGS**

- (a) All recording reproductions shall be made only at the Communications Center by shift supervisors or administrative staff, utilizing approved equipment. Records shall be released and recorded in the following manner.
  - 1. Electronic reproduction files will be saved and stored on a designated computer drive. These files will be emailed to the requester via secure file transfer.
  - 2. Hard copy requests that require a CD to be created will be labeled with a unique number taken from the electronic records request database. An envelope will be created that includes the date, address, and location of the incident, as well as, the requestors name and telephone number. The requestor acknowledges their responsibility to pick up the CD within the time frame designated by administration.

##### **801.12.3 CRITERIA/PROCEDURES FOR REVIEWING RECORDED CONVERSATIONS**

All supervisors and training officers have access to all recordings. Our call takers have access to the previous 30 minutes of audio at their workstation. All radio operators have access to radio audio from the previous 10 minutes.

#### **801.13 EMERGENCY MESSAGES**

When receiving a request for a death message notification, the Communication Officer shall make every effort to put the caller in personal telephone contact with a police officer.

- (a) This is recommended in order to eliminate any misinterpretation or misunderstanding of the information required for the field officer to make proper notification.
  - 1. If applicable, transfer or patch the call to the proper agency, or,

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2. Gather all information, including the name and telephone number of the caller.
  - (a) When assigning the incident, the telephone number of the caller should be supplied so that all subsequent communications with the caller can personally be handled by the field officer.
  - (b) The detail should be assigned by having a police officer "Signal 55" or check their MDC to insure proper notification.
  - (c) An advised incident report shall be generated to provide documentation.

#### **801.14 MISDIRECTED EMERGENCY CALLS**

If a 9-1-1 call is answered that originates from another's PSAP's jurisdiction, advise the caller that you will transfer them to the proper department. Redirect the call using the ANI transfer device. When you make a voice contact with the proper agency, announce "This is Hamilton County; with a 9-1-1 transfer for \_\_\_\_\_. (give location)". After ensuring that communication has been established between the two parties, you may release yourself from the call. Generate an advised complaint detail using X911 in the signal field, and entering the receiving agencies mnemonic in the DISPO: field. An ALI Discrepancy Form must be filled out on each misdirected wire line 9-1-1 call. Forward the form to a Supervisor before the end of the shift so that Cincinnati Bell can be notified to make the necessary actions.

#### **801.15 FIRST AID OVER PHONE**

ALL CALLERS INTERROGATION \*\*\*\* USED FOR ALL EMS CALLS \*\*\*\*

- (a) Where is the patient? (Address or Location)
- (b) What is the problem?
- (c) What is your name?
- (d) What is the telephone number from which you are calling?
- (e) What is the age and sex of the patient?
- (f) Is the patient conscious and able to talk?
  1. If yes: Go the question #8.
  2. If no: Go to question #7.
- (g) Is the patient breathing normally?

(Agonal respirations are shallow ineffective breaths that occur following cardiac arrest. They are described as: Gasping, Snoring, Gurgling, Moaning, Occasional, Every once in a while, Now and then, Barely breathing, Weak or Heavy.)

If caller is uncertain: Go and see if the chest rises, then come back to the phone.

We are dispatching an ambulance, will you stay on the line for medical instructions? If yes: Go to the appropriate call guide (See EMD files) If no: Reassure the caller that help has been dispatched and to stay on the line, if possible.

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Employees must be trained and follow approved emergency medical guidelines or materials.

#### **801.16 COMMUNICATIONS CENTER SECURITY**

##### 801.16.1 LIMITED ACCESS TO COMMUNICATIONS CENTER

###### **BUILDING SECURITY:**

- (a) All employees, when entering or leaving the Communications Center, may use either the front door located on the north side of the building, or utilize the entrance located on the southern end of the Center.
- (b) Each employee will be provided with an employee identification access card for admission to the building.
- (c) For security purposes, employees shall ensure that all doors are securely locked when entering or leaving the building.
  - 1. All front lobby doors, including the stairwell, conference room, and upper level hallway shall remain closed and secured at all times.
  - 2. Key fobs to operate the vehicle gate for the east parking lot remain the property of the County and must be returned upon separation from Communication Center service. Excessive replacement requests, due to loss or neglect, will incur a replacement fee paid by the employee.

##### 801.16.2 PROVIDE FOR BACK UP RESOURCES

The Communications Center alternate power source generator is automatically activated as a backup resource in the event regular power sources are disabled.

##### 801.16.3 SECURITY FOR TRANSMISSION LINES, ANTENNAS, AND POWER SOURCES

In order to ensure building security, the following doors shall remain closed and locked at all times.

- (a) The door between the Radio and Conference Rooms.
- (b) The door from the Conference Room to the Lobby.
- (c) Emergency exits on the west wall.
- (d) Hallway doors to rooms 104 and 106.
- (e) Generator building.
- (f) Phone room on the lower level.
- (g) Transmitter room.
- (h) Security measures are established to provide security for transmission lines, antennas, and power sources.

#### **801.17 ALTERNATE POWER SOURCE**

The Communications Center has two back up generators. A backup generator is maintained at all of our remote tower sites for the radio system. The generators at the backup tower sites are tested every Monday. The generator at HCCC is tested each Tuesday. The remote generators

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are connected to a monitoring system that reports back to our supervisors. If we lose commercial power, the generator runs, the generator fails to run or the transfer switch transfers power at any site our supervisors are notified.

#### **801.18 CONFIDENTIALITY**

Information that becomes available through the Communications Center may be confidential or sensitive in nature. All members of the Communications Center shall treat information that becomes known to them as confidential and release that information in accordance with the Protected Information Policy.

Automated data, such as BMV records, warrants, criminal history information, records of internal police files or medical information, shall only be made available to authorized law enforcement personnel. Prior to transmitting confidential information via the radio, an admonishment shall be made that confidential information is about to be broadcast.

#### **801.19 TRAINING AND CERTIFICATION**

The Communications Supervisor shall ensure that all dispatchers receive initial and ongoing training (ORC § 4742.01 et seq.; OAC § 5507-1-07).

Training shall include providing notice to individuals who call about an apparent drug overdose of the immunity from prosecution available under ORC § 2925.11 (ORC § 128.04).

##### **801.19.1 TRAINING STANDARDS**

Dispatchers should acknowledge in writing that they received annual training and testing to become proficient in:

- Obtaining complete and accurate information from callers requesting law enforcement assistance.
- Accurately classifying and prioritizing requests for assistance.
- Obtaining and accurately relaying information that may affect responder and/or citizen safety.



## Property Management

### 802.1 PURPOSE AND SCOPE

This policy provides for the proper collection, storage, security and disposition of evidence and other property. This policy also provides for the protection of the chain of custody and those persons authorized to remove and/or destroy property (ORC § 2981.11).

#### 802.1.1 PROPERTY MANAGEMENT SECURITY

The Property Management Officer shall maintain secure storage and control of all property necessitating custody by the Department. The Property Management Officer reports to the Police Chief and is responsible for the security of the Property Management. Property Management keys are maintained only by the Property Management Officer and the back up to the Property Management Officer. No one shall loan Property Management keys to anyone and all employees shall maintain keys in a secure manner.

No one should go into the property rooms or property lockers, except;

- (a) The PMO
- (b) Persons as necessary escorted by the PMO (auditor, repairmen, etc.)
- (c) The Detective or a Sergeant (with none other) only to remove property for court, lab, other agency, owner, etc. (and if returned, then back into the Temp Prop Room)
- (d) Fire, flood, or other emergency (immediately recall the PMO)

### 802.2 DEFINITIONS

Definitions related to this policy include:

**Contraband** - Includes property or evidence that is illegal to possess and cannot be returned to the owner.

**Evidence** - Includes items taken or recovered in the course of an investigation that may be used in the prosecution of a criminal case. This includes photographs, documents temporary and latent fingerprints.

**Found Property** - Includes property found by an employee or citizen where the owner cannot be readily identified or contacted and has no apparent evidentiary value related to a criminal investigation.

**Property** - Includes all items of evidence, items taken for safekeeping, found property and contraband.

**Safekeeping** - Includes the following types of property:

- Property obtained by the Department for safekeeping, such as a firearm
- Personal property of an arrestee not taken as evidence
- Property taken for safekeeping under authority of a law

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#### **802.3 PROPERTY HANDLING**

Any employee who first comes into possession of any property, shall retain such property in his/her possession until it is properly tagged and placed in the designated property locker or storage room, along with the properly documented property container. Care shall be taken to maintain the chain of custody for all evidence.

Any property seized by an officer with or without a warrant, shall be safely kept for as long as necessary for the purpose of being produced as evidence or for any other lawful purpose (ORC § 2981.11(A)(1)).

Seized property held as evidence shall be returned to its rightful owner unless subject to lawful detention or ordered destroyed or otherwise disposed of by the court (ORC § 2981.12 and ORC § 2981.13).

Where ownership can be established as to found property that has no apparent evidentiary value, excluding contraband, such property may be released to the owner without the need for booking. The property documentation must be completed to document the release of property not booked. The owner shall sign the documentation acknowledging receipt of the item.

##### **802.3.1 PROPERTY BOOKING PROCEDURE**

All property must be entered into the Department computer database (RMS) and stored inside the secured Temporary Property Room prior to the employee going off-duty. Employees booking property shall observe the following guidelines:

- (a) Complete the property documentation describing each item separately, listing all serial numbers, owner's name, finder's name and other identifying information or markings.
- (b)
- (c) Items too small to mark, or that will be damaged, degraded or devalued by marking, should be individually packaged, labeled and the package marked with initials and date.
- (d) Place the case number in the upper right corner or in the appropriate field of the evidence/property container.
- (e) When the property is too large to be placed in a temporary property locker, contact the Property Management Officer if on duty, else an on-duty supervisor, else the Property Management Officer by phone, else a supervisor by phone for instructions.
- (f)

##### **802.3.2 PROPERTY RECEIPT ISSUANCE**

Property/evidence that is taken with the intent of returning at a later date will require a property receipt to be completed. A copy will be provided to the person the property was recovered from. Another copy will be attached to the property/evidence submission for the Property Management Officer's records. The person must provide a copy of the property receipt and/or other sufficient proof of ownership of the property before it is released.

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#### 802.3.3 WRITTEN REPORT DETAILING HOW PROPERTY OBTAINED AND A DESCRIPTION OF EACH ITEM

Departmental personnel who recover or seize property or evidence shall:

- Enter a written report detailing the circumstances by which the property came into the department's possession and describing each item of property obtained.
- Determine whether the property and evidence should be in police custody.
- 
- Collect, package, and label the property and evidence.
- Enter the property and evidence on the case report in the agency records management system before ending his/her tour of duty unless exceptional circumstances exist and approval is granted by an on-duty supervisor. Property entry must include the details of how the property and evidence came into the agency's possession as well as a detailed description of the property: to include make, model, color, serial number, owner applied number and any unique characteristics.
- Officer shall note the status of the property/evidence in the Evidence Tab if able to immediately dispose.
- Attempt to identify and notify the rightful owner of found or recovered property when appropriate.
- Under no circumstances will personnel destroy, hold, or convert to their personal use seized, found, or recovered property and evidence.
- Perishable items are not allowed into the property and evidence room and therefore must either be returned to their rightful owner or destroyed. Items returned to their owner should be documented as transferred property. Items that need to be destroyed must be documented with either photographs or video and the destruction noted in the case report. Destruction must be conducted in the presence of a supervisor.

#### 802.3.4 NARCOTICS AND DANGEROUS DRUGS

All narcotics and dangerous drugs shall be booked separately. Drug and narcotics paraphernalia shall also be booked separately.

The officer seizing the narcotics and dangerous drugs shall place them in the designated temporary property locker.

#### 802.3.5 EXPLOSIVES

Officers who encounter a suspected explosive device shall promptly notify an immediate supervisor or the Shift Supervisor. The bomb squad will be called to handle explosive-related incidents and will be responsible for the handling, storage, sampling and disposal of all suspected explosives.

Explosives will not be retained in the police facility. Only fireworks that are considered stable and safe and road flares or similar signaling devices may be booked into property. All such items shall be stored in proper containers and in an area designated for the storage of flammable

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materials. The Property Management Officer is responsible for disposing of any fireworks or signaling devices that are not retained as evidence according to current procedures for disposing of such materials.

#### 802.3.6 EXCEPTIONAL HANDLING

Certain property items require a separate process. The following items shall be processed in the described manner:

- (a) Bodily fluids such as blood or semen stains shall be air-dried prior to booking and marked as biohazard.
- (b) License plates found not to be stolen or connected with a known crime should be entered into property/evidence as Found Property and a documented attempt to locate the owner shall be made.
- (c) All bicycles and bicycle frames require a property record. Property tags will be securely attached to each bicycle or bicycle frame. The property may be released directly to the Property Management Officer, or placed in the bicycle storage area until a Property Management Officer can log the property.
- (d) All cash shall be counted in the presence of another officer and the envelope initialed by both officers. The Property Management Officer shall be contacted for cash in excess of \$1,000. A supervisor or the Property Management Officer shall also witness the count of cash in excess of \$1000, and will initial and date the property documentation and specify any additional security procedures to be used.
- (e) All evidence collected by personnel processing a crime scene requiring specific storage requirements pursuant to laboratory procedures should clearly indicate storage requirements on the property container.
- (f) Items that are potential biohazards shall be appropriately packaged and marked to reduce the risk of exposure or contamination.

City property, unless connected to a known criminal case, should be released directly to the appropriate City department. No formal booking is required. In cases where no responsible person can be located, the property should be booked for safekeeping in the normal manner.

#### 802.3.7 TESTING OF BIOLOGICAL EVIDENCE

The Detective shall ensure that department records are reviewed and that all biological evidence that relates to specific homicide and sex offenses is sent to the BCI or another crime laboratory for DNA analysis (ORC § 2933.82).

#### 802.4 STORAGE AND SECURITY

To ensure accountability, all property and evidence stored by the Department shall be maintained in a designated secure area. Access to the property and evidence room shall be limited to the following:

- (a) The PMO
- (b) Persons as necessary escorted by the PMO (auditor, repairmen, etc.)

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- (c) The Detective or a Sergeant (with none other) only to remove property for court, lab, other agency, owner, etc. (and if returned, then back into the Temp Prop Room)
- (d) Fire, flood, or other emergency (immediately recall the PMO)

A log shall be maintained by the PMO of all persons who enter the Property and Evidence Room. All visitors must be accompanied by a police officer or the PMO.

#### **ITEMS REQUIRING ADDED SECURITY**

Property and evidence items that require added protection shall be stored in safe, separate, locked, secure areas within the Property Room. These items include:

- Money
- Jewelry
- Weapons
- Controlled Substances
- Firearms (ensure they are unloaded, rendered safe, and booked separately from ammunition)
- Property with more than one known owner
- Drug paraphernalia
- Fireworks
- Contraband
- Biohazards
- Negotiable Securities: for example: lottery tickets and/or gift cards
- Precious Metals

#### **PERISHABLE ITEMS**

Refrigerated storage is available within the locked Temporary Property Room for perishable items such as blood samples, DWI kits, urine specimens, etc. One dorm size refrigerator is located in the Temporary Property Room. The refrigerator is only accessible to police offices and the PMO. Property placed in the refrigerator will be collected by the PMO upon return to work. At no time, should these refrigerators be used to store food or beverage items. The refrigerator is marked with appropriate biohazard symbols. All property and evidence requiring refrigeration shall be packaged and sealed in a property and evidence envelope or container as outlined in Chapter 83 of the Mount Healthy Police Department Policy and Procedures Manual, and submitted to the PMO for secured storage in the Property and Evidence refrigerator.

#### **802.5 PACKAGING OF PROPERTY**

Packaging will conform to certain procedures. Certain items require special consideration and shall be booked separately as follows:

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- (a) Controlled substances
- (b) Firearms (ensure they are unloaded, rendered safe, and booked separately from ammunition)
- (c) Property with more than one known owner
- (d) Drug paraphernalia
- (e) Fireworks
- (f) Contraband
- (g) Biohazards

#### 802.5.1 PACKAGING CONTAINER

Employees shall package all property, except controlled substances, in a suitable container that is appropriate for its size. Knife boxes should be used to package knives, handgun boxes should be used for handguns and syringe tubes should be used to package syringes and needles.

A property tag shall be securely attached to the outside of all items or group of items packaged together not otherwise enclosed in a property container.

#### 802.5.2 PACKAGING CONTROLLED SUBSTANCES

The officer seizing narcotics and dangerous drugs shall retain such property in his/her possession until it is properly weighed, packaged, tagged and placed in the designated drug locker. Prior to packaging and if the quantity allows, a presumptive test should be made on all suspected controlled substances. When conducted, the result of this test shall be included in the officer's report.

Narcotics and dangerous drugs shall be packaged in an envelope of appropriate size, available in the report room. The booking officer shall initial the sealed envelope and the initials shall be covered with cellophane tape. Controlled substances shall not be packaged with other property.

The booking officer shall weigh the suspected narcotics or dangerous drugs in the container in which it was seized. A full description of the item, along with packaging and total weight of the item as seized, will be placed in the case report and on the property container. After packaging and sealing as required, the entire package will be weighed and the gross package weight will be written on the outside of the package, initialed and dated by the packaging officer.

The gross package weight will be verified every time the package is checked in or out of the Property Management. Any discrepancies shall be noted on the outside of the package. Any change in weight should be immediately reported to the on-duty Property Management Officer, else an on-duty supervisor, else an off-duty supervisor, else the off-duty Property Management Officer.

The chain of custody shall be recorded on the property container.

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##### **802.5.3 RIGHT OF REFUSAL**

The Property Management Officer has the right to refuse any piece of property that is hazardous or that has not been properly documented or packaged. Should the Property Management Officer refuse an item of property, he/she shall maintain secure custody of the item in a temporary property locker or other safe location and inform the submitting officer's supervisor.

##### **802.6 RECORDING OF PROPERTY**

The Property Management Officer receiving custody of evidence or property shall create a Sundance report for each piece of property received. The report will be the permanent record of the property in the Property Management. The Property Management Officer will record gross package weight if it is a controlled substance to be used as evidence, the date and time the property was received and where the property will be stored on the property control card (ORC § 2981.11(B)(1)(a)).

A property management system shall be maintained and a unique property number created for each piece of property received. The systems shall record by property number, the date received, case number, tag number, item description, item location and date disposed. A unique property number shall be obtained for each item or group of items from the system. This number shall be recorded on the property container.

Any changes in the location of property held by the Mount Healthy Police Department shall be noted in the property system.

##### **802.7 TEMPORARY SECURITY**

When the Property Management Officer is not on duty, property (size permitting) shall be placed in a storage locker. The Temporary Property Room (TPR) is to be used for the temporary storage of all found, seized and evidentiary items. Police officers shall process evidence or property in accordance with departmental policy. Any officer and the PMO entering the TPR must sign in and out with name, date, time in/out, and reason for entry. Once the evidence or property is placed in the TPR, it can be placed in a locker and then secured with the attached key. The key will then be dropped in the secure box also located in the TPR. If an item is too large to fit in a locker, it may be placed on the floor in the TPR. After exiting the TPR the officer will ensure the TPR door is closed and locked.

In the event that an item is too large to be submitted to the property room, officers will utilize the secured garage adjacent to the Police Department.

##### **802.8 PROPERTY CONTROL**

Each time the Property Management Officer receives property or releases property to another person, he/she shall enter this information in the property management system. Officers desiring property for court shall contact the Property Management Officer, a supervisor, or the Detective at least one day prior to the court day.

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##### 802.8.1 RESPONSIBILITIES OF OTHER PERSONNEL

Every time property is released or received, an appropriate entry on the evidence package shall be completed to maintain the chain of custody. No property or evidence is to be released without first receiving written authorization from a supervisor.

Request for analysis of items other than controlled substances shall be completed on the appropriate forms and submitted to the Property Management Officer. This request may be filled out anytime after booking of the property or evidence.

##### 802.8.2 TRANSFER OF EVIDENCE TO CRIME LABORATORY

The transporting employee will check the evidence out of property, indicating the date and time on the property container and the request for laboratory analysis.

The Property Management Officer, supervisor, or Detective releasing the evidence must complete the required information in the property management system and the evidence container. The lab forms will be transported with the property to the examining laboratory. Upon delivering the item involved, the officer will record the delivery time on both copies and indicate the locker in which the item was placed or the employee to whom it was delivered. The original copy of the lab form will remain with the evidence and the copy will be returned to the primary investigator for filing with the case.

##### 802.8.3 STATUS OF PROPERTY

Each person receiving property will make the appropriate entry to document the chain of custody. Temporary release of property to officers for investigative purposes, or for court, shall be noted in the property management system, stating the date, time and to whom it was released.

The Property Management Officer, supervisor or Detective shall obtain the signature of the person to whom property was released and the reason for release. Any employee receiving property shall be responsible for such property until it is returned to the Property Management or released to another authorized person or entity.

The return of the property should be recorded in the property management system, indicating date, time and the person who returned it.

##### 802.8.4 AUTHORITY TO RELEASE PROPERTY

The Property Management Officer usually will not release any property without a signed authorization from a sergeant

For property in custody of the Department for investigatory or prosecutorial purposes and owned by a victim or witness, a Property Management Officer shall, upon the request of the owner:

- (a) Provide a list describing the property, unless such release would seriously impede an investigation.
- (b) Assure return of the property expeditiously, unless the property is contraband or required as evidence.



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Upon the direction of a prosecuting attorney, property held as evidence of a crime may be photographed and released to the owner.

#### 802.8.5 RELEASE OF PROPERTY

All reasonable attempts shall be made to identify and locate the rightful owner of found property or evidence not needed for an investigation, either by telephone and/or mail, when sufficient identifying information is available.

Release of property shall be made upon receipt of an authorized release form, listing the name and address of the person to whom the property is to be released. The release authorization shall be signed by the authorizing supervisor and must conform to the items listed in the property management system or must specify the specific item to be released. Release of all property shall be properly documented.

A Property Management Officer shall release the property to the owner or finder upon valid identification and proper documentation presented by the owner or finder for which an authorized release has been received. The owner or finder shall also pay any costs incurred by the agency, including costs for advertising or storage. A signature of the person receiving the property shall be recorded on the original property documentation. After release of all property enter in the details to the property management system.

Release of unclaimed or forfeited property to an authorized finder shall be released in compliance with existing laws and as deemed appropriate by a court (ORC § 2981.12(B)).

Upon release or other form of disposal, the proper entry shall be recorded in all property documentation and logs (ORC § 2981.11(B)(1)(b)).

#### 802.8.6 DOCUMENTING RELEASE OF PROPERTY

The reporting officer is responsible to make attempts to return property and should note the attempts to locate the owner in supplemental narratives of the report.

Immediately following the release of property, the PMO, Sergeant, or Detective shall enter the details in the property management system.

#### 802.8.7 STOLEN OR EMBEZZLED PROPERTY

Stolen or embezzled property or property believed to be stolen or embezzled that is in the custody of this department shall be restored to the legal owner. Such property may be released from law enforcement custody when the following are satisfied:

- (a) Photographs of the property are filed and retained by the Property Management.
- (b) Satisfactory proof of ownership is shown by the owner.
- (c) A declaration of legal ownership is signed under penalty of perjury.
- (d) A receipt for the property is obtained from the owner upon delivery.

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##### **802.8.8 DISPUTED CLAIMS TO PROPERTY**

Occasionally more than one party may claim an interest in property being held by the department, and the legal rights of the parties cannot be clearly established. Such property shall not be released until one party has obtained a court order or other proof of the undisputed right to the involved property.

All parties should be advised that their claims are civil. In extreme situations, legal counsel for the Department may be asked to file an interpleader in court to resolve the disputed claim.

##### **802.8.9 RELEASE AND DISPOSAL OF FIREARMS**

A firearm may not be released until it has been verified that the person receiving the weapon is not prohibited from receiving or possessing the weapon by 18 USC § 922 (d) or ORC § 2923.13.

The Department shall make best efforts to identify the owner and shall retain the firearm for at least 90 days. If the owner cannot be found at the expiration of such period, the firearm or dangerous ordnance suitable for law enforcement work may be retained for that purpose. Firearms suitable for sporting use or as museum pieces or collectors' items may be sold at public auction pursuant to ORC § 2981.12(B). The Department shall properly destroy all other firearms and dangerous ordnance or send them to the Bureau of Criminal Identification and Investigation (BCI) (ORC § 2981.12(A)(2)).

##### **802.8.10 OTHER MEANS OF FIREARMS DISPOSAL**

Firearms also may be disposed of in accordance with applicable statutes of the Ohio Revised Code.

##### **802.8.11 FIREARMS RECEIVED FROM CORONER'S OFFICE**

When a firearm is delivered to this department by the coroner, a receipt for the firearm that states the date of delivery and an accurate description of the firearm shall be issued to the coroner. The firearm shall be used for evidentiary purposes only. Once the firearm is no longer needed as evidence, the Chief of Police or the authorized designee shall give the firearm to the person who has been assigned the rights of disposition for the deceased person, upon request, and if the person is lawfully allowed to possess the firearm. The Chief of Police or the authorized designee shall keep a record of the person to whom the firearm is given, the date of delivery, and a description of the firearm. If the person who has been assigned the rights of disposition for the deceased person does not request the firearm, or is prohibited from possessing the firearm, it may be used at the discretion of the Chief of Police (ORC § 313.14).

#### **802.9 DISPOSITION OF PROPERTY**

The Department shall make a reasonable effort to locate persons entitled to possession of the property, to notify them of when and where it may be claimed, and to return the property to them at the earliest possible time. In the absence of evidence identifying persons entitled to the property, it shall be described in a local newspaper, inviting persons to view and establish their right before final disposition (ORC § 2981.11(C)).

The Property Management Officer shall request a disposition or status on all property which has been held in excess of 120 days and for which no disposition has been received from a supervisor.

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All property not held for evidence in a pending criminal investigation or proceeding, and where the owner has not been located or fails to claim the property, may be disposed of in compliance with existing laws (ORC § 2981.12 and ORC § 2981.13).

Upon any release or disposal of any property, the proper notation shall be made in the property management system to include the final disposition, date of disposition, financial recordings and expenditures related to the property if it was sold, and the name of any person who received the property. However, the record shall not identify or enable identification of the individual employee who seized any item of property or the specific expenditure related to the property in an ongoing investigation (ORC § 2981.11(B)(1)(b)).

#### 802.9.1 ADDITIONAL PROPERTY DISPOSITIONS

The investigating officer shall notify the PMO as soon as a case is resolved in court the appropriate disposition of any property seized as evidence.

#### 802.9.2 EXCEPTIONAL DISPOSITIONS

The following types of property shall be destroyed or disposed of in the manner and at the time prescribed by law or by a court of competent jurisdiction (ORC § 2981.12):

- Firearms and dangerous ordnance
- Obscene materials
- Beer, intoxicating liquor or alcohol
- Vehicles, watercraft, aircraft or parts thereof
- Animals, birds and equipment related to their care and containment that have been ordered forfeited by the court
- Counterfeiting equipment
- Gaming devices
- Computers, computer networks, systems, or software

#### 802.9.3 UNCLAIMED MONEY

If found or seized money is no longer required as evidence and remains unclaimed after any applicable statutory period, the money is presumed unclaimed property and may be retained as allowed by law (ORC § 2981.12).

#### 802.9.4 RETENTION OF BIOLOGICAL EVIDENCE

The Property Management Supervisor shall ensure that no biological evidence held by the Department is destroyed without adequate notification to the following persons, when applicable (ORC § 2933.82):

- (a) The defendant
- (b) The defendant's attorney

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- (c) The state public defender
- (d) The appropriate prosecutor
- (e) The Attorney General
- (f) Any sexual assault victim
- (g) The Investigation Section Supervisor

Biological evidence shall be retained for a minimum period established by ORC § 2933.82, the Property Management Supervisor or the expiration of any sentence imposed related to the evidence, whichever time period is greater. Following the retention period, notifications should be made by certified mail, return receipt requested, and should inform the recipient that the evidence will be destroyed after a date specified in the notice unless a motion for retesting or a written request for retention is filed and served on the Department within one year of the date of the notification.

A record of all certified mail receipts shall be retained in the appropriate file. Any objection to, or motion regarding, the destruction of the biological evidence shall be retained in the appropriate file and a copy forwarded to the Investigation Section Supervisor.

Biological evidence related to a homicide shall be retained indefinitely and may only be destroyed with the written approval of the Chief of Police and the head of the applicable prosecutor's office.

#### 802.9.5 MARIJUANA

At the first sign of mold growth, stored marijuana shall be photographed showing the mold growth. As soon as practicable, the Property Management Officer shall make efforts to lawfully destroy the contaminated marijuana, in compliance with this policy. The Property Management Officer should consult with the member assigned to the case investigation for authorization to destroy the remaining marijuana, after taking representative samples, and should request assistance from the appropriate prosecutor in obtaining a court order for immediate destruction.

#### 802.9.6 MEDICAL MARIJUANA

The investigating member should advise the Property Management Officer and the prosecutor if the party from whom the marijuana was seized holds a valid medical permit to possess marijuana or claims that the possession of the marijuana is for medical purposes.

The Property Management Officer shall store marijuana, drug paraphernalia, or other related property that is seized from a person engaged in or assisting with the use of medical marijuana in a manner that is consistent with the provisions of the Medical Marijuana Policy.

Marijuana that is infected with mold shall not be returned. This includes marijuana seized from a person who holds a valid medical permit to possess marijuana or who claims that possession of the marijuana is for medical purposes.

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#### **802.10 REPORTS**

If the Department has any seized or forfeited property in its custody, including amounts distributed under ORC § 2981.13, a report covering the calendar year shall be sent to the Attorney General not later than the first day of March in the following calendar year (ORC § 2981.11(B)(2)).

##### **802.10.1 PUBLIC ACCESS**

This policy and records kept under this policy shall be open to public inspection during regular business hours as allowed or required by law (ORC § 2981.11(B)(3)).

#### **802.11 SECURITY OF CONTROLLED SUBSTANCES, WEAPONS FOR TRAINING CONTROLLED SUBSTANCES**

Controlled substances seized as a result of violations of state or federal law may be utilized as training aids, provided a Court Order specifies the drug type, amount, purpose, and receiving agency. A Court Order, signed by the presiding judge shall be maintained on file by the PMO as documentation of the transfer of the controlled substance to agency use. The removal and return of training aids shall be documented on a training aid accountability log maintained for that purpose. Controlled substances removed from the Property and Evidence room for training purposes should be measured/counted by the PMO and the receiving officer when the package is checked out and when it is returned as part of the routine quality control required for controlled substances. Any discrepancies in the weight/quantity should be reported to the PMO's assigned squad sergeant.

#### **WEAPONS**

Firearms and other weapons seized as a result of violations of state or federal law may be utilized as training aids once a Court Order has been issued in accordance with the Ohio Revised Code. A Court Order, signed by the presiding judge, shall be maintained on file by the PMO as documentation of the transfer of the weapon to agency use. A signed chain of custody to authorized personnel will serve as proof that the firearm was released from the PMO. The property will be logged into agency property inventory and maintained in a secure area in accordance with other agency-owned firearms and weapons.

#### **802.12 RECORDS, STATUS OF PROPERTY PROPERTY AND EVIDENCE MANAGEMENT RECORDS**

The PMO of the Mount Healthy Police Department shall maintain a records system reflecting the status of all property and evidence held by the Department. This system shall include a list of properties for each case, original chain of custody reports and court orders involving property and evidence which will be maintained by the PMO. The PMO shall maintain a record keeping system that reflects the status of all property and evidence held by the Department to include:

- The current location of the property and evidence.
- The date and time the property and evidence was received and released or disposed.
- The chain of custody for each item.

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#### **802.13 INSPECTIONS AND REPORTS**

In order to maintain a high degree of evidentiary integrity over agency controlled property and evidence, the following documented inspections, [inventory](#), and audits shall be completed:

##### 802.13.1 SEMI-ANNUAL INSPECTION

At least semi-annually, the Property Management Officer or assigned designee will conduct an inspection of the property/evidence room to ensure all property control procedures are in compliance. The inspection shall consist of a formal review with a careful and critical examination of all components of the property and evidence function and shall ensure that:

- Provisions of agency directives on property and evidence control procedures are being followed.
- The property and evidence room is maintained in a clean and orderly fashion.
- Property and evidence is being protected from damage or deterioration.
- Property and evidence accountability procedures are being maintained.
- Property having no further evidentiary value is being disposed of according to established procedures.

##### 802.13.2 CHANGE OF EVIDENCE CUSTODIAN

Whenever a new Property Management Officer is designated, an audit of property and evidence will be conducted jointly by the newly designated PMO, and a designee of the Chief of Police, to ensure that records are correct and properly annotated.

Appendix I should be used to determine the appropriate sample size for high (e.g. money, precious metals, jewelry, firearms, and drugs) risk items. An error rate that exceeds four percent will require a full inventory of high risk items.

#### **Appendix I**

Pieces of High Risk Evidence/Property	Required Sample Size
100	92
250	203
500	341
1000	516
1500	624
2000	696
2500	748

For general property the audit associated with evidence custodian transfers should be sufficient to ensure the integrity of the system and accountability of property. The person assuming custody of the property should ensure that records are current and properly annotated. All discrepancies should be recorded prior to the assumption of property accountability by the newly appointed custodian.

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Whenever the PMO is out of service for vacation, training, or other scheduled or unscheduled absences, the Chief of Police will issue a directive transferring the functions and accountability for Property and Evidence to his/her designee. This directive will include the beginning and ending dates and times for the transfer.

#### 802.13.3 ANNUAL AUDIT

The Chief of Police shall designate an outside auditor, not connected routinely or directly with the property and evidence control process, to conduct an annual audit of property and property management records. The audit shall consist of a significant representative sampling of property and evidence.

The purpose of the annual audit is to ensure the continuity of custody and not to require the accounting of every single item of property. The audit should be sufficient to ensure the integrity of the system and the accountability of property. The current version of Appendix K of the CALEA Law Enforcement Standards manual should be used to determine the minimum sampling of property including high-risk items. The person named to conduct the audit should be appointed by the agency's chief executive officer.

The purpose of the annual audit is to ensure the continuity of custody and not to require the accounting of very single item of property. The audit should be sufficient to ensure the integrity of the system and the accountability of property. Appendix K should be used to determine the minimum sampling of property including high-risk items. The person named to conduct the audit should be appointed by the agency's chief executive officer. Minimum sample sizes should be as follows per Appendix K:

- If the agency has 100 or fewer items in custody, then the status of all items should be reviewed.
- If the agency has 101 or more items in custody annual the, then a sample of 100 items should be selected for audit according to these criteria:
  - If the agency has 100 or more high risk items, then the annual audit should review a representative sample of 100 high risk items.
  - If the agency has fewer than 100 high risk items, then the annual audit should review all the high risk items, plus a representative sample of other items to bring the total reviewed to 100.

During the annual audit, a minimum number of 200 items will be reviewed, including 100 high risk items.

The Police Chief and/or the Property Management Officer may direct more inspections and/or a greater sampling of property/evidence at any time.

#### 802.13.4 ANNUAL UNANNOUNCED INSPECTIONS

In addition to, and in support of, other regularly scheduled inspections, unannounced inspections of the property and evidence storage areas will be conducted randomly, at least once during every calendar year. The date of the inspection and designated inspector will be determined by the

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Chief of Police. The unannounced inspection may consist of a brief observation of the facility for cleanliness and orderliness, and an abbreviated audit of a few items compared with documentation for those items.

All records pertaining to and any inspection, audit and inventory conducted of the Property and Evidence function as directed in this policy, shall be maintained in the locked Supervisory Investigation file cabinet.

#### **802.14 INSPECTIONS AND REPORTS**

On a quarterly basis, an independent auditor shall inspect the evidence storage facilities and practices to ensure adherence to appropriate policies and procedures.

- (a) Unannounced inspections of evidence storage areas shall be conducted annually, as directed by the Chief of Police.
- (b) An annual audit of evidence held by the Department shall be conducted by an independent auditor and, as needed, other personnel to include a detective and/or one or more sergeants as assigned by the Chief of Police.
- (c) Whenever a change is made in personnel who have access to the Property Management, an inventory of all evidence/property shall be made by an independent auditor and, as needed, other personnel to include a detective and/or one or more sergeants to ensure that records are correct and all evidence property is accounted for.



## Police Clerk Procedures

### **803.1 PURPOSE AND SCOPE**

The Police Clerk shall keep the Department Police Clerk procedures continuously updated to reflect the procedures being followed within the Police Clerk. Policies and procedures that apply to all employees of this department are contained in this chapter.

#### **803.1.1 NUMERICAL FILING SYSTEM**

Case reports are filed numerically by Police Clerk personnel.

Reports are numbered commencing with the last two digits of the current year followed by a sequential number beginning with 00001 starting at midnight on the first day of January of each year. As an example, case number 11-00001 would be the first new case beginning January 1, 2011.

### **803.2 FILE ACCESS**

All reports including, but not limited to, initial, supplemental, follow-up, evidence and all reports related to a case shall be maintained in a secure area within the Mount Healthy Police Department, accessible only to all Department personnel.

#### **803.2.1 REQUESTING ORIGINAL REPORTS**

Generally, original reports shall not be removed from the Police Clerk. Should an original report be needed for any reason, the requesting employee shall first obtain authorization from the Police Clerk. All original reports removed from the Police Clerk shall be recorded on the report check-out log, which shall constitute the only authorized manner by which an original report may be removed from the Police Clerk.

### **803.3 RECORDS MANAGER TRAINING**

The Police Clerk shall receive training in records management, including proper maintenance, retention and disposal of records and the proper release of records under state and federal law.

### **803.4 REQUISITION OF SUPPLIES**

All personnel in need of supplies shall complete a Requisition of Supplies Form, available in the Police Clerk. The form shall be approved by a supervisor and submitted to the supply clerk in the Police Clerk.

Only Police Clerk personnel shall issue supplies from the supply room. No supplies will be provided without a Requisition of Supplies Form.

## Records Maintenance and Release

### 804.1 PURPOSE AND SCOPE

This policy provides guidance on the maintenance and release of department records. Protected information is separately covered in the Protected Information Policy.

### 804.2 POLICY

The Mount Healthy Police Department is committed to providing public access to records in a manner that is consistent with the Ohio Public Records Act (ORC § 149.43).

### 804.3 PROCEDURE

#### Release of Agency Records:

All record releases will be in accordance with guidelines set forth in the Ohio Sunshine Laws.

- (a) The Police Clerk will be responsible for the release of copies of investigative reports to any law enforcement/criminal justice agency when needed for performance of their law enforcement duty. Videos will be the responsibility of a Sergeant.
- (b) The arresting officer will be responsible for forwarding requested copies of reports to the Hamilton County Prosecutor's Office for prosecution purposes.
- (c) Public access to copies of reports is the responsibility of the Police Clerk.
- (d) The Police Clerk will be responsible for the release of hard copies of documents to the media.

### 804.4 FILE ACCESSIBILITY

#### 804.4.1 SECURITY OF AND CONTROLLING ACCESS TO AGENCY FILES

The Mount Healthy Police Department records section is staffed by the Police Clerk who is supervised by a Sergeant designated by the Chief of Police. The records section is responsible for gathering, indexing, entering, filing and maintaining agency records. Records personnel are responsible for the security and control of access to agency records maintained in the records section.

Only Mount Healthy Police Department personnel shall have unsupervised access to the records section, excluding intelligence files, internal investigation records, property logs and confidential informant files. The records section is housed inside the locked Police Department. No entry point to the Police Department shall be unlocked or unsecured at any time. Visitors to the records section must always be accompanied by a police department employee.

Access to general investigative files by the public will be in accordance with Ohio Revised Code 149.43, Availability of Public Records for Inspection and Copying.

#### 804.4.2 ACCESSIBILITY TO OPERATIONS PERSONNEL AFTER HOURS

All police department personnel have access to the records section. Additionally, all police personnel have access to agency records utilizing the Department reporting management system.

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Should an exigent circumstance arise requiring agency records personnel after normal operating hours, a Sergeant shall be contacted.

#### **804.5 CASE FILE MANAGEMENT**

##### 804.5.1 CASE STATUS CONTROL SYSTEM

- (a) Night Watch Supervisor, with the Police Chief's review, has the final responsibility for cases assignment and coordination. Based on when the case originated, all cases will be closed within (30) thirty days. The following steps will be taken to facilitate this:
  - (a) Cases requiring follow-up will be initially assigned by the officer's direct supervisor.
  - (b) The supervisor will log the name of the investigating officer and all other required information into the case log.
  - (c) The detective will check the status of cases and follow-up with the investigating officer if needed.
  - (d) Supervisors will verify that follow-up is being conducted during the (30) thirty days period.
- (b) The Night Watch Supervisor shall maintain shall maintain a case status control system that includes:
  - (a) Date
  - (b) Case Number
  - (c) Satus: Closed or Open
  - (d) Victim/Businesss Name
  - (e) Offense
  - (f) Assigned Officer
  - (g) Closure: Arrest, Unfounded, Inactive, Otherwise
  - (h) Miscellaneous

##### 804.5.2 ADMINISTRATIVE DESIGNATORS

Each criminal case shall be designated in one of the following categories, depending on the status of the case or investigation:

- (a) **Arrest** -An offense is cleared by "Arrest" when at least one person is arrested and charged with the commission of the reported offense.
- (b) **Closed** - (Early Closure of Ohio Incident Based Reports )
  - 1. Early close an Ohio Incident Based Report that does not meet the criteria for follow-up investigation.
    - (a) The case assignment supervisor will review all offenses and determine the case assignment status.

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2. When an offense does not meet the necessary criteria for follow-up investigation, the investigating officer will review and submit to the case assignment supervisor.
- (c) **Otherwise** - In order to clear an offense with an exceptional clearance i.e. "Death of Offender," "Prosecution Declined," "In Custody of Other Jurisdiction," "Victim Refused to Cooperate," or "Juvenile/No Custody," the following conditions must be met:
1. The investigation has definitely identified at least one suspect.
  2. Sufficient probable cause was established to support the arrest and prosecution of the suspect.
  3. The suspect's exact location is known and an arrest can be made.
  4. There is some reason outside police control preventing the charging and arrest of the suspect.
  5. Warrant Issued
- (d) **Inactive** - No investigative leads and/or a suspect has not been identified.
1. An offense can have an "Inactive" closure even though there is property recovered and/or there is knowledge of the identity of the perpetrator who has not been apprehended.
  2. Reopen and close these inactive reports according to new developments.
- (e) **Unfounded** - An investigation concluded that an allegation in the complaint is false, could not have happened, or is without any reasonable basis.
1. Unfounding an offense report does not count as a case closed. The offense is removed from the reported crime statistics.
  2. A report is unfounded because the reported facts do not constitute a reportable offense, or the investigation reveals the reported facts did not occur.

#### 804.5.3 TYPE OF RECORDS TO BE MAINTAINED

If written documentation exists outside of the computerized record, the investigating officer shall maintain a case file. Case files investigated by patrol officers shall be kept in a designated file cabinet in the patrol section. Case files being investigated by officers assigned a permanent work area shall be maintained in a file cabinet. Upon final disposition of a case, the investigating officer shall forward the case file to their Squad Sergeant for review. If approved, the case will be filed by the Police Clerk.

#### 804.5.4 PROCEDURES FOR PURGING FILES

General investigative case files will be forwarded to the records section upon completion of the investigation. The records section shall file and maintain the case record in accordance with ORC 149.39 and the City of Mount Healthy Records Retention and Disposition schedule.

#### 804.6 JUVENILE RECORDS

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##### **804.6.1 METHODS TO DISTINGUISH JUVENILE RECORDS**

Each case file is labeled with "MUNICIPAL / COMMON PLEASE / JUVENILE." The word "JUVENILE" should be circled on all juvenile arrest case files. Access and release of juvenile files is limited by permission.

##### **804.6.2 FINGERPRINTS, PHOTOGRAPHS, AND OTHER FORMS OF IDENTIFICATION**

- (a) Any juvenile arrested, where official complaints are filed, may be fingerprinted and photographed, except for the following offenses:
  - 1. Traffic violations
  - 2. Minor misdemeanor offenses.
  - 3. Status offenses (offenses that adults can not be charged with, i.e. runaway).
- (b) It is mandatory to fingerprint juveniles who are involved in felony offenses, or offenses of violence.
  - 1. All juveniles arrested for felony offenses, or offenses of violence will be taken to the Hamilton County Juvenile Detention Facility, 2020 Auburn Ave. Cincinnati, Ohio 45202.
  - 2. The Hamilton County Juvenile Detention Facility staff will be responsible for the fingerprinting and photographing of juveniles. Fingerprints and photographs will be retained at the Hamilton County Youth Center.

##### **804.6.3 PHYSICAL SECURITY AND CONTROLLING ACCESS TO JUVENILE CONFIDENTIAL INFORMATION**

Juvenile files will be maintained inside the secured Mount Healthy Police Department inside a storage cabinet and/or a computer database. Access to records in the Mount Healthy Police Department is limited to members of the Department in their official capacity. All requests for juvenile records will be conducted by the police clerk. No records will be released to a non-criminal justice / law enforcement agency without approval of the Police Chief.

##### **804.6.4 DISPOSITION OF JUVENILE RECORDS AFTER REACHING ADULT AGE**

Records of Juveniles who reach adult age shall be disposed of pursuant to the records retention schedule and State law.

##### **804.6.5 EXPUNGEMENT, WHEN ORDERED BY THE COURT**

The expungement of juvenile records can be accomplished only by a valid court order. The records shall be destroyed in accordance with State law.

#### **804.7 CUSTODIAN OF RECORDS**

The Chief of Police shall designate a Custodian of Records. The responsibilities of the Custodian of Records include but are not limited to (ORC § 149.43):

- (a) Managing the records management system for the Department, including the retention, archiving, release and destruction of department public records.

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- (b) Maintaining and updating the department records retention schedule, including:
  - 1. Identifying the minimum length of time the Department must keep records.
  - 2. Identifying the department section responsible for the original record.
  - 3. Making a copy of the current retention schedule readily available to the public.
- (c) Establishing rules regarding the inspection and copying of department public records as reasonably necessary for the protection of such records.
  - 1. The Custodian of Records may limit the number of records requested by a person that the Department will physically deliver via mail or by another delivery service to 10 records per month unless the requester certifies in writing that he/she does not intend to use or forward the requested records, or information contained in the records, for commercial purposes.
  - 2. Records in digital format that are publicly available on the internet may be limited as set forth in ORC § 149.43.
- (d) Identifying records or portions of records that are confidential under state or federal law and not open for inspection or copying.
- (e) Establishing rules regarding the processing of subpoenas for the production of records.
- (f) Ensuring the availability of a current schedule of fees for public records as allowed by law.
- (g) Preparing a notice that incorporates this policy and ensuring that it is displayed in conspicuous places in all locations where department records are available to the public.
- (h) Maintaining current information on the department website that relates to public records release.
- (i) Ensuring that records are organized and maintained in such a manner as to make them available for inspection or copying.
- (j) Selecting appropriate public records, if any, to publish on the department website.

#### **804.8 PROCESSING REQUESTS FOR PUBLIC RECORDS**

Any department member who receives a request for any record shall route the request to the Custodian of Records or the authorized designee.

##### **804.8.1 REQUESTS FOR RECORDS**

The processing of requests for any record is subject to the following (ORC § 149.43):

- (a) The Department is not required to create records that do not exist.
- (b) When a record contains material with release restrictions and material that is not subject to release restrictions, the restricted material shall be redacted and the unrestricted material released.
  - 1. A copy of the redacted release should be maintained in the case file for proof of what was actually released and as a place to document the reasons for

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- the redactions. If the record is audio or video, a copy of the redacted audio/video release should be maintained in the department-approved media storage system and a notation should be made in the case file to document the release and the reasons for the redacted portions.
2. The requester shall be notified of any redaction in the public record if the redaction is not plainly visible.
- (c) If a request is ambiguous or overly broad, or if the Custodian of Records cannot reasonably identify what public records are being requested, the request may be denied.
1. The requester shall be provided with an opportunity to revise the request and shall be informed by the Custodian of Records of the manner in which records are maintained by the Department and how the records are accessed in the ordinary course of business.
- (d) A person requesting records may be asked to make a request for records in writing to expedite processing of the request and may be asked for his/her identity. Prior to such a request, the person shall be told that:
1. There is no requirement to provide a written request.
  2. There is no requirement to provide his/her identity.
  3. There is no requirement to disclose the intended use of the records.
  4. The purpose of the written request or disclosure of the person's identity or intended use would benefit the person making the request by enhancing the ability of the Custodian of Records to identify, locate or deliver the records requested.
- (e) Fees for copies or the cost of delivery of the records to the requester via mail should be paid in advance.
- (f) If a request is denied, either in whole or in part, the Custodian of Records shall provide the requester with an explanation setting forth the reason(s) for the denial, including the legal authority relied upon in making the determination. If the initial request was in writing, the explanation shall also be provided in writing.

#### **804.9 RELEASE RESTRICTIONS**

Examples of release restrictions include:

- (a) Any personal identifying information, including an individual's photograph; Social Security and driver identification numbers; name, address, and telephone number; and medical or disability information that is contained in any driver license record, motor vehicle record, or any department record, including traffic collision reports, is restricted except as authorized by the Department, and only when such use or disclosure is permitted or required by law to carry out a legitimate law enforcement purpose (18 USC § 2721; 18 USC § 2722; ORC § 4501.27; ORC § 149.45).
- (b) Victim information that may be protected by statutes, including photographs or images of victims as prohibited by ORC § 149.43 (ORC § 2907.11).

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- (c) Juvenile-related information that may be protected by statutes (ORC § 149.435).
- (d) Confidential investigatory records of the Department that pertain to a law enforcement matter of criminal, quasi-criminal, civil, or administrative nature if release would create a high probability of disclosure of any of the following (ORC § 149.43):
  - 1. Identity of a suspect not yet charged with an offense to which the record pertains.
  - 2. Identity of an information source or witness to whom confidentiality has been reasonably assured. This also includes information provided by an information source or witness if the release would tend to disclose the person's identity.
  - 3. Confidential investigatory techniques, procedures, or specific investigatory work product.
  - 4. Information that would endanger the life or physical safety of a member, crime victim, witness, or confidential information source.
- (e) Certain types of reports involving but not limited to child abuse and molestation (ORC § 2151.421) and adult abuse (ORC § 5101.61).
- (f) Records pertaining to the residential or family information of peace officers and dispatchers (ORC § 149.43).
- (g) Personally identifiable information of a program participant of the Ohio Secretary of State's address confidentiality program (ORC § 149.43).
- (h) Restricted portions of recordings made by a dashcam or a member's body-worn camera as provided in ORC § 149.43(A)(1). Certain recordings may be disclosed with the consent of the subject of the recording or the subject's representative pursuant to the requirements of ORC § 149.43 (H)(1).
- (i) Telephone numbers for a person involved in a motor vehicle accident or a witness of a crime as provided in ORC § 149.43.
- (j) Any other information that may be appropriately denied by ORC § 149.43(A)(1).

#### 804.9.1 ENHANCED RECORDS ACCESS BY JOURNALISTS

- (a) Journalists, as defined in ORC § 149.43, are entitled to enhanced access to certain records not available to the general public provided:
  - 1. The request is in writing.
  - 2. Journalists identify themselves by name, title, and employer's name and address.
  - 3. Journalists establish and sign a request that the information sought is in the public interest.
- (b) Records available to journalists but not the general public include:
  - (a) Personal residential addresses of an officer or dispatcher of this department (ORC § 149.43).
  - (b) The business name and address of a spouse, former spouse, or child of an officer of this department, only if employed by a public office (ORC § 149.43).



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- (c) Coroner records pursuant to ORC § 313.10.
- (d) The name, county of residence, and date of birth of a person for whom the sheriff issued, suspended, or revoked a permit for a concealed weapon (ORC § 2923.129).
- (e) The names, addresses, and telephone numbers of workers' compensation claimants subject to the requirements and restrictions in ORC § 4123.88(D).
- (f) Limited information about minors involved in a school vehicle accident (ORC § 149.43).

#### **804.10 SUBPOENAS AND DISCOVERY REQUESTS**

Any member who receives a subpoena duces tecum or discovery request for records should promptly contact a supervisor and the Custodian of Records for review and processing. While a subpoena duces tecum may ultimately be subject to compliance, it is not an order from the court that will automatically require the release of the requested information.

Generally, discovery requests and subpoenas from criminal defendants and their authorized representatives (including attorneys) should be referred to the County Prosecutor, City Attorney or the courts.

All questions regarding compliance with any subpoena duces tecum or discovery request should be promptly referred to legal counsel for the Department so that a timely response can be prepared.

#### **804.11 SEALED RECORDS OR EXPUNGEMENT**

Expungement orders or an order to seal records received by the Department shall be reviewed for appropriate action by the Custodian of Records. The Custodian of Records shall expunge or seal such records as ordered by the court. Records may include but are not limited to a record of arrest, investigation, detention, or conviction. Once expunged or sealed, members shall respond to any inquiry as though the record did not exist.

#### **804.12 TRAINING**

The Custodian of Records and any member who may be responsible for access or release of public records shall attend training approved by the Ohio Attorney General, such as that provided by the Ohio Association of Chiefs of Police (OACP).

The Custodian of Records and all department members shall acknowledge and sign that they have read and received a copy of this policy (ORC § 149.43).

#### **804.13 SECURITY BREACHES**

Members who become aware that any Mount Healthy Police Department system containing personal information may have been breached should notify the Police Clerk as soon as practicable. The Police Clerk shall ensure the required notice is given to any resident of this state whose unsecured personal information is reasonably believed to have been acquired by an unauthorized person (ORC § 1347.12).

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Notice shall be given in the most expedient time possible but not later than 45 days following its discovery or notice of the breach consistent with any measures necessary to determine the scope of the breach, including which residents' personal information was accessed and acquired and to restore the reasonable integrity of the data system. Notice may be delayed if notification will impede a criminal investigation or jeopardize homeland or national security but notice shall be made once it is determined that disclosure or notification will not compromise the investigation or jeopardize homeland or national security (ORC § 1347.12).

For the purposes of the notice requirement, personal information includes an individual's first name or first initial and last name in combination with any one or more of the following (ORC § 1347.12):

- (a) Social Security number
- (b) Driver's license number or Ohio identification card number
- (c) Full account number, credit or debit card number, in combination with and linked to any required security code, access code, or password that would permit access to an individual's financial account

If the breach reasonably appears to have been made to protected information covered in the Protected Information Policy, the Police Clerk should promptly notify the appropriate member designated to oversee the security of protected information (see the Protected Information Policy).

## Protected Information

### 805.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the access, transmission, release and security of protected information by members of the Mount Healthy Police Department. This policy addresses the protected information that is used in the day-to-day operation of the Department and not the public records information covered in the Records Maintenance and Release Policy.

#### 805.1.1 DEFINITIONS

Definitions related to this policy include:

**Protected information** - Any information or data that is collected, stored or accessed by members of the Mount Healthy Police Department and is subject to any access or release restrictions imposed by law, regulation, order or use agreement. This includes all information contained in federal, state or local law enforcement databases that is not accessible to the public.

### 805.2 POLICY

Members of the Mount Healthy Police Department will adhere to all applicable laws, orders, regulations, use agreements and training related to the access, use, dissemination and release of protected information.

### 805.3 RESPONSIBILITIES

The Chief of Police shall select a member of the Department to coordinate the use of protected information.

The responsibilities of this position include, but are not limited to:

- (a) Ensuring member compliance with this policy and with requirements applicable to protected information, including requirements for the National Crime Information Center (NCIC) system, National Law Enforcement Telecommunications System (NLETS), Bureau of Motor Vehicles (BMV) records and Ohio Law Enforcement Automated Data System (LEADS) (OAC § 4501:2-10-03; OAC § 4501:2-10-06).
- (b) Developing, disseminating and maintaining procedures that adopt or comply with the U.S. Department of Justice's current Criminal Justice Information Services (CJIS) Security Policy.
- (c) Developing, disseminating and maintaining any other procedures necessary to comply with any other requirements for the access, use, dissemination, release and security of protected information.
- (d) Developing procedures to ensure training and certification requirements are met.
- (e) Resolving specific questions that arise regarding authorized recipients of protected information.
- (f) Ensuring security practices and procedures are in place to comply with requirements applicable to protected information.

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#### *Protected Information*

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#### **805.4 ACCESS TO PROTECTED INFORMATION**

Protected information shall not be accessed in violation of any law, order, regulation, user agreement, Mount Healthy Police Department policy or training. Only those members who have completed applicable training and met any applicable requirements, such as a background check, may access protected information, and only when the member has a legitimate work-related reason for such access (OAC § 4501:2-10-03).

Unauthorized access, including access for other than a legitimate work-related purpose, is prohibited and may subject a member to administrative action pursuant to the Personnel Complaints Policy and/or criminal prosecution.

#### **805.5 RELEASE OR DISSEMINATION OF PROTECTED INFORMATION**

Protected information may be released only to authorized recipients who have both a right to know and a need to know (OAC § 4501:2-10-06(C)).

A member who is asked to release protected information that should not be released should refer the requesting person to a supervisor or to the Police Clerk for information regarding a formal request.

Unless otherwise ordered or when an investigation would be jeopardized, protected information maintained by the Department may generally be shared with authorized persons from other law enforcement agencies who are assisting in the investigation or conducting a related investigation. Any such information should be released through the Police Clerk to ensure proper documentation of the release (see the Records Maintenance and Release Policy).

Protected information, such as Criminal Justice Information (CJI), which includes Criminal History Record Information (CHRI), should generally not be transmitted by radio, cellular telephone or any other type of wireless transmission to members in the field or in vehicles through any computer or electronic device, except in cases where there is an immediate need for the information to further an investigation or where circumstances reasonably indicate that the immediate safety of officers, other department members or the public is at risk.

Nothing in this policy is intended to prohibit broadcasting warrant information.

#### **805.6 SECURITY OF PROTECTED INFORMATION**

The Chief of Police will select members of the Department to oversee the security of protected information.

The responsibilities of this position include, but are not limited to (OAC § 4501:2-10-03):

- (a) Developing and maintaining security practices, procedures and training.
- (b) Ensuring federal and state compliance with the CJIS Security Policy and the requirements of any state or local criminal history records systems.
- (c) Establishing procedures to provide for the preparation, prevention, detection, analysis and containment of security incidents including computer attacks.

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- (d) Tracking, documenting and reporting all breach of security incidents to the Chief of Police and appropriate authorities.

#### **805.6.1 MEMBER RESPONSIBILITIES**

Members accessing or receiving protected information shall ensure the information is not accessed or received by persons who are not authorized to access or receive it. This includes leaving protected information, such as documents or computer databases, accessible to others when it is reasonably foreseeable that unauthorized access may occur (e.g., on an unattended table or desk; in or on an unattended vehicle; in an unlocked desk drawer or file cabinet; on an unattended computer terminal).

#### **805.7 DEPUTY SUZANNE HOPPER ACT**

The Police Clerks required by statute to enter into NCIC information provided by a court regarding (ORC § 2929.44):

- (a) The Hamilton County the Sheriff volunteered to accept the Form 95 from the courts for all agencies within the county and for Central Warrants to make the mandated entry into NCIC's Supervised Release File utilizing LEADS.
  - b. The Supervised Release File entries direct officers having contact with a person that is a subject of the notification to make notification to the specified mental health supervising agency.
  - c. The Form 95 contains an email address and CWPU advised most of the local entries they have seen require notification to the "Forensic Monitoring unit".
- (b) An order that a person convicted of an offense of violence receive a mental health evaluation or treatment for a mental illness.

Members of this department who have contact with a person who has such information entered into NCIC shall report the contact to the Department of Mental Health and Addiction Services, and, if the terms of the release require the defendant or person to receive mental health treatment, to the treatment provider.

#### **805.8 TRAINING**

All members authorized to access or release protected information shall complete a training program that complies with any protected information system requirements and identifies authorized access and use of protected information, as well as its proper handling and dissemination (OAC § 4501:2-10-03).

## Animal Control

### 806.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for interacting with animals and responding to calls for service that involve animals.

### 806.2 [ANIMAL CONTROL] RESPONSIBILITIES

Animal control services are generally the primary responsibility of [Animal Control] and include the following:

- (a) Animal-related matters during periods when [Animal Control] is available.
- (b) Ongoing or persistent animal nuisance complaints. Such complaints may be scheduled, if reasonable, for handling during periods that [Animal Control] is available for investigation and resolution.
- (c) Follow-up on animal-related calls, such as locating owners of injured animals.

### 806.3 MEMBER RESPONSIBILITIES

Members who respond to or assist with animal-related calls for service should evaluate the situation to determine appropriate actions to control the situation.

Due to the hazards of handling animals without proper training and equipment, responding officers generally should not attempt to capture and pick up any animal, but should keep the animal under observation until the arrival of appropriate assistance.

Members may consider acting before the arrival of such assistance when:

- (a) There is a threat to public safety.
- (b) An animal has bitten someone. Members should take measures to confine the animal and prevent further injury.
- (c) An animal is creating a traffic hazard.
- (d) An animal is seriously injured.
- (e) The owner/handler of an animal has been arrested or is incapacitated. In such circumstances, the member should find appropriate placement for the animal.
  1. This is only necessary when the arrestee is expected to be in custody for a time period longer than would reasonably allow him/her to properly care for the animal.
  2. With the owner's consent, locating appropriate placement may require contacting relatives or neighbors to care for the animal.
  3. If no person can be found or the owner does not or cannot give consent, the animal should be taken to a designated animal care facility.

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##### **806.4 DECEASED ANIMALS**

When a member becomes aware of a deceased animal all reasonable attempts should be made to preliminarily determine if the death of the animal is related to criminal activity.

Deceased animals on public property should be removed, sealed in a plastic bag, and properly disposed of by the responding member.

Members should not climb onto or under any privately owned structure for the purpose of removing a deceased animal.

##### **806.5 INJURED ANIMALS**

When a member becomes aware of an injured domesticated animal, all reasonable attempts shall be made to contact the owner or responsible handler. If an owner or responsible handler cannot be located, the animal should be taken to a designated animal care facility.

##### **806.6 POLICY**

It is the policy of the Mount Healthy Police Department to be responsive to the needs of the community regarding animal-related issues. This includes enforcing local, state and federal laws relating to animals and appropriately resolving or referring animal-related problems, as outlined in this policy.

##### **806.7 ANIMAL CRUELTY COMPLAINTS**

Laws relating to the cruelty to animals should be enforced, including but not limited to animal cruelty and animal fights (ORC § 959.13; ORC § 959.15; ORC § 959.16).

- (a) An investigation should be conducted on all reports of animal cruelty.
- (b) Legal steps should be taken to protect an animal that is in need of immediate care or protection from acts of cruelty.

###### **806.7.1 NOTIFICATION TO SOCIAL SERVICE AGENCY**

Members who have knowledge or reasonable cause to suspect that a violation involving a companion animal (as defined by ORC § 959.131) has occurred or is occurring shall immediately notify the appropriate social service agency of the violation when the member (ORC § 959.08):

- (a) Has knowledge or reasonable cause to suspect that a child or older adult resides with the alleged violator.
  - 1. An older adult is a person age 60 or older who suffers from the infirmities of aging or who has an impairment that prevents the person from protecting the person (ORC § 959.07).
- (b) The violation may have an impact on the child or older adult residing with the alleged violator.

Members who fail to comply with the requirements of ORC § 959.08 shall be subject to discipline (ORC § 959.10).

See the Child Abuse and Adult or Vulnerable Person Abuse policies for additional guidance.

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##### **806.7.2 SOCIAL SERVICE AGENCY NOTIFICATION PROCEDURE**

Members may make the notification in writing or orally. Notification should contain the following information if known (ORC § 959.09):

- (a) The name and description of the companion animal involved.
- (b) The address and telephone number of the owner or other person responsible for care of the companion animal.
- (c) The nature and extent of the suspected abuse.
- (d) Any other information that may be useful in establishing the existence of the suspected violation or the identity of the person causing the violation.

Information that is confidential or information that the member reasonably believes would jeopardize a pending criminal investigation may be excluded from the report (ORC § 959.09).

##### **806.8 ANIMAL BITE REPORTS**

Members investigating an animal bite should obtain as much information as possible for follow-up with the appropriate health or animal authorities. Efforts should be made to capture or otherwise have the animal placed under control. Members should attempt to identify and notify the owner of the final disposition of the animal.

##### **806.9 STRAY DOGS**

If the dog has a license or can otherwise be identified, the owner should be contacted, if possible. If the owner is contacted, the dog should be released to the owner and a citation may be issued, if appropriate. If a dog is taken into custody, it shall be transported to the appropriate shelter/holding pen.

Members shall provide reasonable treatment to animals in their care (e.g., food, water, shelter).

##### **806.10 DANGEROUS ANIMALS**

In the event responding members cannot fulfill a request for service because an animal is difficult or dangerous to handle, the Shift Supervisor will be contacted to determine available resources, including requesting the assistance of animal control services from an allied agency.

##### **806.11 PUBLIC NUISANCE CALLS RELATING TO ANIMALS**

Members should diligently address calls related to nuisance animals (e.g., barking dogs), because such calls may involve significant quality-of-life issues.



## COURT SECURITY

### 807.1 PURPOSE

The purpose of this chapter is to describe the function of Court Security, specifically the measures and precautions which are taken to reduce the possibility of violence in the courtroom facility

### 807.2 ROLE, AUTHORITY, POLICIES

The Mount Healthy Police Department is responsible for providing security to the City of Mount Healthy Mayors Court. Mayors Court is located at Mount. Healthy City Hall. Court Security is the responsibility of the Police Chief or his designee. Mayors Court may have one or more court officers assigned. Accordingly, an appropriate level of security should prevail to protect the integrity of court procedures, to sustain the rights of individuals before it, to deter those who would take violent action against the court or participants and to sustain the decorum of the court.

### 807.3 PROCEDURE

The duties of the court officers will include but are not limited to:

- Visual inspection of the courtroom.
- Keeping order in the courtroom as directed by the Magistrate.
- Carrying out orders of the court.
- Attending to other matters as directed by the Magistrate, the Police Chief or his/her designee.
- Performing minor clerical duties for the court.
- Act as security for the Mayor's Court.
- As an officer in charge of all in custody defendants that are awaiting presentation of their case.
- Reading of *Beginning Court Speech*.

### 807.4 POSITION RESPONSIBLE FOR SECURITY FUNCTION

The Chief of Police or his/her designee will assign an officer to serve as the Mount Healthy Mayor's Court bailiff in addition to another officer to assist with court security. This officer shall be in full uniform.

### 807.5 DOCUMENTATION AND NOTIFICATION OF THREATS

In the event of an incident that threatens the facility or any person therein, the officer responsible for security in the courtroom shall document the incident and forward the documentation to the Police Chief or his/her designee as well as any appropriate outside agencies.

### 807.6 WEAPON LOCKBOXES

Only sworn members of this agency and officers from foreign jurisdiction acting in their official capacity will be armed in Mount Healthy Mayor's court. Weapon prohibition information shall be

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posted for all court attendees to see. A weapon lockbox will be used to confiscate any weapons being brought into mayors court and will be returned to the owner when they exit the courtroom.

### **807.7 EXTERNAL COMMUNICATIONS**

Mt. Healthy Mayor's Court shall be equipped with at least one means of external voice communication. This may be a telephone, a two-way radio (fixed or portable), or an intercom system. Sworn personnel shall carry two-way radios at all times during court sessions.

## **COMPUTERIZED RECORDS SYSTEM**

### **808.1 PURPOSE**

The purpose of this chapter is to address agency discretion in performing and recording legal process functions. The standards are adopted for the effective and timely service of court documents and to ensure sufficiency of information, accuracy, accessibility and fiscal accountability.

### **808.2 PROCEDURE**

Information regarding each warrant received that is to be served or executed by the Mount Healthy Police Department is recorded in the Regional Crime Information Center (RCIC) computer name file or the Mount Healthy Police Department active warrant/capias computer file. These items may include warrants and criminal documents.

### **808.3 INFORMATION, RECORDING**

Information on the warrant records will include :

- (a) date and time received; CALEA 74.11(a)
- (b) type of legal process, civil or criminal; CALEA 74.11(b)
- (c) nature of document; CALEA 74.11(c)
- (d) source of document; CALEA 74.11(d)
- (e) name of plaintiff/complainant or name of defendant/respondent; CALEA 74.11(e)
- (f) personnel assigned for service; CALEA 74.11(f)
- (g) date of assignment; CALEA 74.11(g)
- (h) court docket number; CALEA 74.11(h)
- (i) date service due. CALEA 74.11(i)

## Chapter 9 - Custody

## Temporary Custody of Adults

### 900.1 PURPOSE AND SCOPE

This policy provides guidelines to address the health and safety of adults taken into temporary custody by members of the Mount Healthy Police Department for processing prior to being released or transferred to a housing or other type of facility.

Temporary custody of juveniles is addressed in the Temporary Custody of Juveniles Policy. Juveniles will not be permitted where adults in custody are being held.

Custodial searches are addressed in the Custodial Searches Policy.

#### 900.1.1 DEFINITIONS

Definitions related to this policy include:

**Holding cell/cell** - Any locked enclosure for the custody of an adult or any other enclosure that prevents the occupants from being directly visually monitored at all times by a member of the Department.

**Safety checks** - Direct, visual observation by a member of this department performed at random intervals, within time frames prescribed in this policy, to provide for the health and welfare of adults in temporary custody.

**Temporary custody** - The time period an adult is in custody at the Mount Healthy Police Department prior to being released or transported to a housing or other type of facility.

### 900.2 POLICY

The Mount Healthy Police Department is committed to releasing adults from temporary custody as soon as reasonably practicable, and to keeping adults safe while in temporary custody at the Department. Adults should be in temporary custody only for as long as reasonably necessary for investigation, processing, transfer or release.

### 900.3 GENERAL CRITERIA AND SUPERVISION

No adult should be in temporary custody for longer than six hours (OAC § 5120:1-7-02(A)(5)).

#### 900.3.1 INDIVIDUALS WHO SHOULD NOT BE IN TEMPORARY CUSTODY

Individuals who exhibit certain behaviors or conditions should not be in temporary custody at the Mount Healthy Police Department, but should be transported to a county facility, a medical facility or other type of facility as appropriate. These include:

- (a) Any individual who is unconscious or has been unconscious while being taken into custody or while being transported.
- (b) Any individual who has a medical condition, or who may require medical attention, supervision or medication while in temporary custody.
- (c) Any individual who is seriously injured.
- (d) Individuals who are a suspected suicide risk (see the Civil Commitments Policy).

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1. If the officer taking custody of an individual believes that he/she may be a suicide risk, the officer shall ensure continuous direct supervision until evaluation, release or a transfer to an appropriate facility is completed.
  - (e) Individuals who are obviously in crisis, as defined in the Crisis Intervention Incidents Policy.
  - (f) Individuals who are under the influence of alcohol, a controlled substance or any substance to the degree that may require medical attention, or who have ingested any substance that poses a significant risk to their health, whether or not they appear intoxicated.
  - (g) Any individual who has exhibited extremely violent or continuously violent behavior.
  - (h) Any individual who has claimed, is known to be afflicted with, or displays symptoms of any communicable disease that poses an unreasonable exposure risk.
  - (i) Any individual with a prosthetic or orthopedic device where removal of the device would be injurious to his/her health or safety.

Officers taking custody of a person who exhibits any of the above conditions should notify a supervisor of the situation. These individuals should not be in temporary custody at the Department unless they have been evaluated by a qualified medical or mental health professional, as appropriate for the circumstances.

#### **900.3.2 SUPERVISION DURING DETAINEE PROCESSING**

Before entering the Police Department processing area, all detainees shall be searched for weapons and contraband. At all times while in the processing area detainees will be supervised.

#### **900.3.3 ENTRY RESTRICTIONS**

Only agency personnel have access to the processing area and the police department at large.

#### **900.3.4 PANIC OR DURESS ALARMS**

All officers are equipped with a portable radio with an emergency button in the event they are under duress.

#### **900.4 INITIATING TEMPORARY CUSTODY**

The officer responsible for an individual in temporary custody should evaluate the person for any apparent chronic illness, disability, vermin infestation, possible communicable disease or any other potential risk to the health or safety of the individual or others. The officer should specifically ask if the individual is contemplating suicide and evaluate him/her for obvious signs or indications of suicidal intent.

The receiving officer should ask the arresting officer if there is any statement, indication or evidence surrounding the individual's arrest and transportation that would reasonably indicate the individual is at risk for suicide or critical medical care. If there is any suspicion that the individual may be suicidal, he/she shall be transported to the City jail or the appropriate mental health facility.

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The officer should promptly notify the Shift Supervisor of any conditions that may warrant immediate medical attention or other appropriate action. The Shift Supervisor shall determine whether the individual will be placed in a cell, immediately released or transported to jail or other facility.

The transporting officer will advise the receiving agency personnel of any potential medical or security hazards involving the prisoner being transported CALEA 70.1.6 (d).

#### 900.4.1 DOCUMENTATION CONFIRMING TRANSFER OF CUSTODY

The transporting officer will be responsible for obtaining a signature or other proper documentation for receipt of the prisoner.

#### 900.4.2 SCREENING AND PLACEMENT

**The Mount Healthy Police Department does not have a temporary holding facility and/or temporary detention.**

The officer responsible for an individual in custody shall:

- (a) Advise the Shift Supervisor of any significant risks presented by the individual (e.g., suicide risk, health risk, violence).
- (b) Evaluate the following issues against the stated risks in (a) to determine the need for placing the individual in a single cell:
  - (a) Consider whether the individual may be at a high risk of being sexually abused based on all available known information (28 CFR 115.141), or whether the person is facing any other identified risk.
  - (b) Provide any individual identified as being at a high risk for sexual or other victimization with heightened protection. This may include (28 CFR 115.113; 28 CFR 115.141):
    - (a) Continuous, direct sight and sound supervision.
    - (b) Single-cell placement in a cell that is actively monitored on video by a member who is available to immediately intervene.
  - (c) Ensure individuals are separated according to severity of the crime (e.g., felony or misdemeanor).
  - (d) Ensure males, females and juveniles are separated by sight and sound when in the processing area.
  - (e) Ensure restrained individuals are not placed in cells with unrestrained individuals.
- (c) Ensure that those confined under civil process or for civil causes are kept separate from those who are in temporary custody pending criminal charges.
- (d) Ensure separation, as appropriate, based on other factors, such as age, criminal sophistication, assaultive/non-assaultive behavior, mental state, disabilities and sexual orientation.

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##### 900.4.3 CONSULAR NOTIFICATION

Consular notification may be mandatory when certain foreign nationals are arrested. The Patrol Sergeant will ensure that the U.S. Department of State's list of countries and jurisdictions that require mandatory notification is readily available to department members. There should also be a published list of foreign embassy and consulate telephone and fax numbers, as well as standardized notification forms that can be transmitted and then retained for documentation. Prominently displayed signs informing foreign nationals of their rights related to consular notification should also be posted in areas used for the temporary custody of adults.

Department members assigned to process a foreign national shall:

- (a) Inform the individual, without delay, that he/she may have his/her consular officers notified of the arrest or detention and may communicate with them.
  1. This notification should be documented.
- (b) Determine whether the foreign national's country is on the U.S. Department of State's mandatory notification list.
  1. If the country is on the mandatory notification list, then:
    - (a) Notify the country's nearest embassy or consulate of the arrest or detention by fax or telephone.
    - (b) Tell the individual that this notification has been made and inform him/her without delay that he/she may communicate with consular officers.
    - (c) Forward any communication from the individual to his/her consular officers without delay.
    - (d) Document all notifications to the embassy or consulate and retain the faxed notification and any fax confirmation for the individual's file.
  2. If the country is not on the mandatory notification list and the individual requests that his/her consular officers be notified, then:
    - (a) Notify the country's nearest embassy or consulate of the arrest or detention by fax or telephone.
    - (b) Forward any communication from the individual to his/her consular officers without delay.

##### **900.5 SAFETY, HEALTH AND OTHER PROVISIONS**

###### 900.5.1 DOCUMENTATION OF TIME IN AND OUT OF FACILITY

Officers shall document the, date, and time in and out of the processing area via the Hamilton County Communications Center which will in turn be documented in CAD notes.

###### 900.5.2 TEMPORARY CUSTODY REQUIREMENTS

The Mount Healthy Police Department does not have a temporary holding facility and/or temporary detention.



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##### 900.5.3 MEDICAL CARE

First-aid equipment and basic medical supplies should be available to department members. At least one member who has current certification in basic first aid and CPR should be on-duty at all times.

Should a person in custody be injured or become ill, appropriate medical assistance should be sought. A supervisor should meet with those providing medical aid at the facility to allow access to the person. Members shall comply with the opinion of medical personnel as to whether an individual in temporary custody should be transported to the hospital. If the person is transported while still in custody, he/she will be accompanied by an officer.

Those who require medication while in temporary custody should not be at the Mount Healthy Police Department. They should be released or transferred to another facility as appropriate.

##### 900.5.4 ORTHOPEDIC OR PROSTHETIC APPLIANCE

Subject to safety and security concerns, individuals shall be permitted to retain an orthopedic or prosthetic appliance. However, if the appliance presents a risk of bodily harm to any person or is a risk to the security of the facility, the appliance may be removed from the individual unless its removal would be injurious to his/her health or safety.

Whenever a prosthetic or orthopedic appliance is removed, the Shift Supervisor shall be promptly apprised of the reason. It shall be promptly returned when it reasonably appears that any risk no longer exists.

##### 900.5.5 TELEPHONE CALLS

Every individual in temporary custody should be allowed to make a reasonable number of completed telephone calls as soon as possible after arrival.

- (a) Telephone calls may be limited to local calls, except that long-distance calls may be made by the individual at his/her own expense.
  1. The Department should pay the cost of any long-distance calls related to arranging for the care of a child or dependent adult (see the Child and Dependent Adult Safety Policy).
- (b) The individual should be given sufficient time to contact whomever he/she desires and to make any necessary arrangements, including child or dependent adult care, or transportation upon release.
  1. Telephone calls are not intended to be lengthy conversations. The member assigned to monitor or process the individual may use his/her judgment in determining the duration of the calls.
- (c) Calls between an individual in temporary custody and his/her attorney shall be deemed confidential and shall not be monitored, eavesdropped upon or recorded.

##### 900.5.6 RELIGIOUS ACCOMMODATION

Subject to available resources, safety and security, the religious beliefs and needs of all individuals in custody should be reasonably accommodated. Requests for religious accommodation should

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generally be granted unless there is a compelling security or safety reason and denying the request is the least restrictive means available to ensure security or safety. The responsible supervisor should be advised any time a request for religious accommodation is denied.

Those who request to wear headscarves or simple head coverings for religious reasons should generally be accommodated absent unusual circumstances. Head coverings shall be searched before being worn.

Individuals wearing headscarves or other approved coverings shall not be required to remove them while in the presence of or while visible to the opposite sex if they so desire. Religious garments that substantially cover the individual's head and face may be temporarily removed during the taking of any photographs.

#### **900.5.7 FIREARMS AND OTHER SECURITY MEASURES**

All weapons must remain in their holster and/or pouches while in the presence of a detainee in the processing area. Officers should make an effort to keep their firearm angled away from the detainee.

All perimeter doors to secure areas shall be kept locked at all times, except during routine cleaning, when no individuals in custody are present or in the event of an emergency, such as an evacuation.

#### **900.6 USE OF RESTRAINT DEVICES**

Individuals in custody may be handcuffed in accordance with the Handcuffing and Restraints Policy.

Individuals in restraints shall be kept away from other unrestrained individuals in custody and monitored to protect them from abuse.

Restraints shall only be removed on the instructions of the receiving transport destination personnel at a detention facility.

#### **900.6.1 PREGNANT ADULTS**

Women who are known to be pregnant or in any period of postpartum recovery (which can be up to six weeks after delivery) may only be restrained in accordance with the Handcuffing and Restraints Policy (ORC § 2901.10).

#### **900.7 CONSTANT SUPERVISION**

It is the policy of the Mt. Healthy Police Department that no person shall be detained or held for any period of time in any room, space or area for the purpose of processing or testing, unless they are under the continuous control or supervision of Department personnel at all times. The arresting officer has the primary responsibility of keeping their detainee under constant visual and physical supervision and control at all times, unless relieved by another officer and/or supervisor. Detainees are to never be left alone and must be under constant supervision and control in any area of the building,

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#### **900.8 ESCAPE PREVENTION**

Officers must take precautions to prevent the escape of anyone being processed or tested.

Detainees are to never be left alone and must be under constant supervision and control.

The detainee processing/testing area and the patrol room of the police department are secure areas within the Mt. Healthy Police Department.

#### **900.9 ESCAPE PROCEDURES**

If a detainee escapes custody while being transported by a Mount Healthy police officer, the following guidelines shall apply:

##### **900.9.1 PERSONS TO BE NOTIFIED**

- Immediate notification of the Mount Healthy Police Department Communications Center by radio or telephone with a description.
- Immediate notification of the local law enforcement agency in the jurisdiction where the escape occurred, if outside the City of Mount Healthy.
- Immediate notification of the on-duty Sergeant or OIC.

##### **900.9.2 REPORTS TO BE PREPARED**

Reports to be prepared include:

- Mount Healthy Police Department Incident Report (escape from custody), to be prepared by the Officer assigned to conduct the transport.
- Memorandum to the Chief of Police through the chain of command from the police officer's squad sergeant providing details of the incident.
- Any other reports as directed by the Chief of Police.

##### **900.9.3 FURTHER ACTIONS TO BE TAKEN**

Further actions to be taken include:

- Notification of surrounding jurisdictions by the Communications Center.
- Coordination of the search effort by the appropriate Mount Healthy Police Department supervisor.
- Notification as to whether the detainee is known to be armed or considered dangerous.

#### **900.10 PERSONAL PROPERTY**

The personal property of an individual in temporary custody should be removed, inventoried and processed as provided in the Custodial Searches Policy, unless the individual requests a different disposition. For example, an individual may request property (i.e., cash, car or house keys, medications) be released to another person. A request for the release of property to another person must be made in writing. Release of the property requires the recipient's signature on the appropriate form.

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Upon release of an individual from temporary custody, his/her items of personal property shall be compared with the inventory, and he/she shall sign a receipt for the property's return. If the individual is transferred to another facility or court, the member transporting the individual is required to obtain the receiving person's signature as notice of receipt. The Department shall maintain a copy of the property receipt.

The Shift Supervisor shall be notified whenever an individual alleges that there is a shortage or discrepancy regarding his/her property. The Shift Supervisor shall attempt to prove or disprove the claim.

#### **900.11 DESIGNATED ROOMS OR AREAS**

Detainee holding is for the processing or testing of prisoners who are going to be held at the police department building for a short period of time and before booking them into the appropriate detention facility. Daily police operations are often unpredictable and it is necessary to designate locations to be utilized. Officers shall always keep their detainees under continual supervision and control.

The Mount Healthy Police Department does not operate any temporary holding facilities, temporary detention rooms or any incarceration facilities. All detainees requiring incarceration are transported to the Hamilton County Justice Center or the Hamilton County Youth Center.

Officers of the Department do transport and hold detainees for arrest and processing purposes for short periods of time at the Mount Healthy Police Department. This is done only for the purposes of identification, arrest or warrant processing or OVI testing. These tasks are carried out in the detainee processing/testing area or the patrol room of the police department. These areas are not temporary holding areas and detainees may be kept on station only as long as necessary to complete detainee processing and/or testing and in no event shall a detainee be kept in the Mount Healthy Police Department for processing and/or testing longer than the actual amount of time required to do so. In lieu of processing in the interview room inside the Police Department, officers may process prisoners while being detained in their patrol cars.

The shift supervisor shall also bear responsibility for ensuring that detainees are supervised and processed according to this directive.

In the event the actions or behavior of a detainee poses a danger to him/her, other personnel or poses an escape risk, the detainee will be immediately transported to the appropriate detention facility for all arrest processing.

#### **900.12 HOLDING CELLS**

The Mount Healthy Police Department does not have any holding cells.

#### **900.13 SUICIDE ATTEMPT, DEATH OR SERIOUS INJURY**

The Patrol Sergeant will ensure procedures are in place to address any suicide attempt, death or serious injury of any individual in temporary custody at the Mount Healthy Police Department. The procedures should include the following:

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- (a) Immediate request for emergency medical assistance if appropriate.
- (b) Immediate notification of the Shift Supervisor, Chief of Police and Investigation Sergeant.
- (c) Notification of the spouse, next of kin or other appropriate person.
- (d) Notification of the appropriate prosecutor.
- (e) Notification of the City Attorney.
- (f) Notification of the Coroner.
- (g) Evidence preservation.

A suicide or suicide attempt by a detainee while housed in the temporary holding facility shall be documented on the appropriate report and forwarded to the facility manager. If the incident involves a completed suicide, the facility manager shall ensure that a copy of the report is forwarded to the Division of Parole and Community Services within 30 days (OAC § 5120:1-12-09).

#### **900.14 RELEASE AND/OR TRANSFER**

When an individual is released or transferred from custody, the member releasing the individual should ensure the following:

- (a) All proper reports, forms and logs have been completed prior to release.
- (b) A check has been made to ensure that the individual is not reported as missing and does not have outstanding warrants.
- (c) It has been confirmed that the correct individual is being released or transported.
- (d) All property, except evidence, contraband or dangerous weapons, has been returned to, or sent with, the individual.
- (e) All pertinent documentation accompanies the individual being transported to another facility (e.g., copies of booking forms, medical records, an itemized list of his/her property, warrant copies).
- (f) The individual is not permitted in any nonpublic areas of the Mount Healthy Police Department unless escorted by a member of the Department.
- (g) Any known threat or danger the individual may pose (e.g., escape risk, suicide potential, medical condition) is documented, and the documentation transported with the individual if he/she is being sent to another facility.
  - 1. The department member transporting the individual shall ensure such risks are communicated to intake personnel at the other facility.
- (h) Generally, persons of the opposite sex, or adults and juveniles, should not be transported in the same vehicle unless they are physically separated by a solid barrier. If segregating individuals is not practicable, officers should be alert to inappropriate physical or verbal contact and take appropriate action as necessary.
- (i) Transfers between facilities or other entities, such as a hospital, should be accomplished with a custodial escort of the same sex as the person being transferred to assist with his/her personal needs as reasonable.

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### **900.15 ASSIGNED ADMINISTRATOR**

The Mount Healthy Police Department does not have a temporary holding facility and/or temporary detention.

### **900.16 TRAINING**

The Mount Healthy Police Department does not have a temporary holding facility and/or temporary detention

## Custodial Searches

### 901.1 PURPOSE AND SCOPE

This policy provides guidance regarding searches of individuals in custody. Such searches are necessary to eliminate the introduction of contraband, intoxicants or weapons into the Mount Healthy Police Department facility. Such items can pose a serious risk to the safety and security of department members, individuals in custody, contractors and the public.

Nothing in this policy is intended to prohibit the otherwise lawful collection of evidence from an individual in custody.

#### 901.1.1 DEFINITIONS

Definitions related to this policy include:

**Custody search** - An in-custody search of an individual and of his/her property, shoes and clothing, including pockets, cuffs and folds on the clothing, to remove all weapons, dangerous items and contraband.

**Physical body cavity search** - A search that includes a visual inspection and may include a physical intrusion into a body cavity. Body cavity means the stomach or rectal cavity of an individual, and the vagina of a female person.

**Strip search** - A search that requires an individual to remove or rearrange some or all of his/her clothing to permit a visual inspection of the underclothing, breasts, buttocks, anus or outer genitalia. This includes monitoring an individual who is changing clothes, where his/her underclothing, buttocks, genitalia or female breasts are visible.

### 901.2 POLICY

All searches shall be conducted with concern for safety, dignity, courtesy, respect for privacy and hygiene, and in compliance with policy and law to protect the rights of those who are subject to any search.

Searches shall not be used for intimidation, harassment, punishment or retaliation.

### 901.3 FIELD AND TRANSPORTATION SEARCHES

Mount Healthy Police Department personnel shall perform detainee transport duties in a way that provides safety and security measures for the detainee, the transporting police officers, and the public. Only sworn personnel provide detainee transport duties. The purpose of this directive is to establish guidelines for Mount Healthy Police Department personnel performing detainee transport duties, and for the accountability and responsibility of detainees brought to Mount Healthy Police facilities for testing or interviewing. The Mount Healthy Police Department does not operate a temporary detention facility.

For the purposes of this directive, “detainee” means any prisoner, arrestee, or other individual in the custody of Mount Healthy Police Department personnel.

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#### **DETAINEE SEARCH**

Personnel providing transport shall be responsible for the safety and control of the transported detainee from the time the agency personnel accept custody of the detainee, until the detainee is transferred into the custody of the Hamilton County Justice Center or other appropriate authority.

An officer should conduct a custody search of an individual immediately after his/her arrest, when receiving an individual from the custody of another, and before transporting a person who is in custody in any department vehicle. Transporting personnel shall search the detainee prior to placing the detainee in any vehicle for transport. Transporting personnel should never assume that a detainee has been searched by someone else.

Whenever practicable, a custody search should be conducted by an officer of the same sex as the person being searched. If an officer of the same sex is not reasonably available, a witnessing officer should be present during the search.

#### **901.4 SEARCHING TRANSPORT VEHICLES**

It shall be the responsibility of the transporting personnel to ensure that any vehicle used to transport a detainee is safe, appropriately equipped, and is free of weapons and contraband both before and after a transport. Personnel should never assume that no opportunity has existed for the introduction of weapons, contraband, or any other items or conditions. At the beginning and end of each tour of duty, vehicles that may be used to transport detainees shall be inspected by the individual operating the vehicle to verify that the vehicle is secure and properly equipped.

The vehicle shall be searched prior to and after the transport of the detainee to ensure that no contraband, weapons, or other items are present. Some latitude may be allowed where one person has been in constant control of the vehicle following the pre-shift examination and the introduction of the detainee to the vehicle. However, once a detainee has been removed from the vehicle, a thorough search should be conducted as soon as practical, but in all cases, before the vehicle is reused to transport a detainee. This will ensure that no items have been left and will link any items found with the detainee last transported.

#### **901.5 NOTIFY COURT OF SECURITY RISKS**

- The transporting officer shall inform the intake official or Judge of any potential medical, suicide and/or security risk, when a prisoner is to be transported to any other agency or court. This shall be documented in the incident report.
- In such cases, the Judge or Magisterial District Judge may allow or direct the use of restraining devices in the court and/or may request the assistance of additional personnel for security while at the court.

#### **901.6 REAR COMPARTMENT MODIFICATIONS**

Rear compartments of detainee transport vehicles will be modified to minimize detainee escape. Window cranks and door handles will be removed or made inoperable on patrol cars. Rear windows will be equipped with bars or covered with a shatter resistant plastic to prevent escape or injury from broken windows.



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The safety barrier prevents access to door locks.

#### **901.7 SEARCHES AT POLICE FACILITIES**

Custody searches shall be conducted on all individuals in custody, upon entry to the Mount Healthy Police Department facilities. Except in exigent circumstances, the search should be conducted by a member of the same sex as the individual being searched. If a member of the same sex is not available, a witnessing member must be present during the search.

Custody searches should also be conducted any time an individual in custody enters or re-enters a secure area, or any time it is reasonably believed that a search is necessary to maintain the safety and security of the facility.

##### **901.7.1 PROPERTY**

Members shall take reasonable care in handling the property of an individual in custody to avoid discrepancies or losses. Property retained for safekeeping shall be kept in a secure location until the individual is released or transferred.

Some property may not be accepted by a facility or agency that is taking custody of an individual from this department, such as weapons or large items. These items should be retained for safekeeping in accordance with the Property and Evidence Policy.

All property shall be inventoried by objective description (this does not include an estimated value). The individual from whom it was taken shall be required to sign the completed inventory. If the individual's signature cannot be obtained, the inventory shall be witnessed by another department member. The inventory should include the case number, date, time, member's Mount Healthy Police Department identification number (badge number) and information regarding how and when the property may be released.

##### **901.7.2 VERIFICATION OF MONEY**

All money shall be counted in front of the individual from whom it was received. When possible, the individual shall initial the dollar amount on the inventory. Additionally, all money should be placed in a separate envelope and sealed. Negotiable checks or other instruments and foreign currency should also be sealed in an envelope with the amount indicated but not added to the cash total. All envelopes should clearly indicate the contents on the front. The department member sealing it should place his/her initials across the sealed flap. Should any money be withdrawn or added, the member making such change shall enter the amount below the original entry and initial it. The amount of money in the envelope should always be totaled and written on the outside of the envelope.

#### **901.8 STRIP SEARCHES**

No individual in temporary custody at any Mount Healthy Police Department facility shall be subjected to a strip search unless there is probable cause based upon specific and articulable facts to believe the individual has a health condition requiring immediate medical attention or is concealing a weapon or contraband. Factors to be considered in determining probable cause include, but are not limited to:

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- (a) The detection of an object during a custody search that may be a weapon or contraband and cannot be safely retrieved without a strip search.
- (b) Circumstances of a current arrest that specifically indicate the individual may be concealing a weapon or contraband.
  - 1. A felony arrest charge or being under the influence of a controlled substance should not suffice as reasonable suspicion absent other facts.
- (c) Custody history (e.g., past possession of contraband while in custody, assaults on department members, escape attempts).
- (d) The individual's actions or demeanor.
- (e) Criminal history (i.e., level of experience in a custody setting).

No transgender or intersex detainee shall be searched or examined for the sole purpose of determining the detainee's genital status. If the detainee's genital status is unknown, it may be determined during conversations with the detainee, by reviewing medical records, or, if necessary, as part of a broader medical examination conducted in private by a medical practitioner (28 CFR 115.115).

#### 901.8.1 STRIP SEARCH PROCEDURES

Strip searches at Mount Healthy Police Department facilities shall be conducted as follows (28 CFR 115.115):

- (a) Written authorization from the Shift Supervisor shall be obtained prior to the strip search unless there is a legitimate medical reason or medical emergency (ORC § 2933.32(5)).
- (b) All members involved with the strip search shall be of the same sex as the individual being searched (ORC § 2933.32(B)(6)).
- (c) All strip searches shall be conducted in a professional manner under sanitary conditions and in a secure area of privacy so that it cannot be observed by those not participating in the search. The search shall not be reproduced through a visual or sound recording.
- (d) Whenever possible, a second member of the same sex should also be present during the search, for security and as a witness to the finding of evidence.
- (e) Members conducting a strip search shall not touch the breasts, buttocks or genitalia of the individual being searched.
- (f) The primary member conducting the search shall prepare a written report to include (ORC § 2933.32):
  - 1. The facts that led to the decision to perform a strip search.

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2. The reasons less intrusive methods of searching were not used or were insufficient.
  3. The written authorization for the search, obtained from the Shift Supervisor. If the strip search was conducted before or without the granting of written authorization by the Shift Supervisor, the legitimate medical reason or medical emergency that made obtaining written authorization impracticable.
  4. The name of the individual who was searched.
  5. The name and sex of the members who conducted the search.
  6. The name, sex and role of any person present during the search.
  7. The time and date of the search.
  8. The place at which the search was conducted.
  9. A list of the items, if any, that were recovered.
  10. The facts upon which the member based his/her belief that the individual was concealing a weapon or contraband.
- (g) No member should view an individual's private underclothing, buttocks, genitalia or female breasts while that individual is showering, performing bodily functions or changing clothes, unless he/she otherwise qualifies for a strip search. However, if serious hygiene or health issues make it reasonably necessary to assist the individual with a shower or a change of clothes, a supervisor should be contacted to ensure reasonable steps are taken to obtain the individual's consent and/or otherwise protect his/her privacy and dignity.
- (h) A copy of the written report shall be retained and a copy shall be provided to the individual searched (ORC § 2933.32(C)(2)).

#### 901.8.2 SPECIAL CIRCUMSTANCE FIELD STRIP SEARCHES

A strip search may be conducted in the field only with Shift Supervisor authorization and only in exceptional circumstances, such as when:

- (a) There is probable cause to believe that the individual is concealing a weapon or other dangerous item that cannot be recovered by a more limited search.
- (b) There is probable cause to believe that the individual is concealing controlled substances or evidence that cannot be recovered by a more limited search, and there is no reasonable alternative to ensure the individual cannot destroy or ingest the substance during transportation.

These special-circumstance field strip searches shall only be authorized and conducted under the same restrictions as the strip search procedures in this policy, except that the Shift Supervisor authorization does not need to be in writing.

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#### **901.9 BODY CAVITY SEARCH**

Physical body cavity searches shall be subject to the following:

- (a) No individual shall be subjected to a physical body cavity search without written approval of the Shift Supervisor and only upon a search warrant or approval of legal counsel. A copy of any search warrant and the results of the physical body cavity search shall be included with the related reports and made available, upon request, to the individual or authorized representative (except for those portions of the warrant ordered sealed by a court).
- (b) Only a physician, registered nurse or licensed practical nurse who is registered or licensed to practice in Ohio who is of the same sex as the individual to be searched may conduct a physical body cavity search (ORC § 2933.32(B)(4)).
- (c) All persons present must be of the same sex as the individual being searched. Only the necessary department members needed to maintain the safety and security of the medical personnel shall be present (ORC § 2933.32(B)(6)).
- (d) Privacy requirements, including restricted touching of body parts and sanitary condition requirements, are the same as required for a strip search (ORC § 2933.32(B)(4); ORC § 2933.32(B)(6)).
- (e) All such searches shall be documented in a written report, including (ORC § 2933.32):
  - 1. The facts that led to the decision to perform a physical body cavity search of the individual.
  - 2. The reasons less intrusive methods of searching were not used or were insufficient.
  - 3. The Shift Supervisor's written approval.
  - 4. Legal counsel approval if the search was conducted for a legitimate medical reason or medical emergency without a warrant.
  - 5. A copy of the search warrant.
  - 6. The name of the individual searched.
  - 7. The time, date and location of the search.
  - 8. The medical personnel present.
  - 9. The names, sex and roles of any department members present.
  - 10. Any contraband or weapons discovered by the search.
- (f) A copy of the written report shall be retained and shall be provided to the individual who was searched or other authorized representative (ORC § 2933.32(C)(2)).

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#### **901.10 GENDER IDENTITY AND GENDER EXPRESSION SEARCH**

1. All members present at a strip search shall be of the same gender identity as the person being searched except in emergency situations consistent with other strip searches.
2. The member shall accept the persons' declaration of gender identity as truthful before initiating the search. Documentary identification and/or anatomical features are not to be used as indicators of a person's gender identity.
3. Transgender individuals shall be asked their preference with regard to gender of the member searching them.
4. In cases where the gender expression of a detainee is unclear and/or unknown to detention attendants or processing officers, it is reasonable to inquire of the detainee, in a tactful and respectful manner, as to their gender identity
5. Under exigent circumstances, including but not limited to the existence of reasonable suspicion of imminent threat of bodily harm or escape, any officer or detention attendant may conduct a search of any detainee[, regardless of the gender identity/ expression of the detainee, officer, supervisor, or detention attendant.

#### **901.11 JUVENILE STRIP/BODY CAVITY SEARCH**

Strip/Body Cavity Searches of juveniles are prohibited.

#### **901.12 REPORTING REQUIREMENTS**

Upon completion of a body cavity search or strip search pursuant to (ORC 2933.32), the person or persons who conducted the search shall prepare a written report concerning the search that shall include all of the following:

- (a) The written authorization for the search obtained from the person in command of the law enforcement agency or his designee, if required by (ORC 2933.32) (B)(5) of this section;
- (b) The name of the person who was searched;
- (c) The name of the person or persons who conducted the search, the time and date of the search, and the place at which the search was conducted;
- (d) A list of the items, if any, recovered during the search;
- (e) The facts upon which the law enforcement officer or employee of the law enforcement agency based his probable cause for the search, including, but not limited to, the officer or employee's review of the nature of the offense with which the searched person is charged, the circumstances of his arrest, and, if known, his prior conviction record;
- (f) If the body cavity search was conducted before or without the issuance of a search warrant pursuant to division (B)(4) of this section, or if the body cavity or strip search was conducted before or without the granting of written authorization pursuant to division (B)(5) of this section, the legitimate medical reason or medical emergency that justified the warrantless search or made obtaining written authorization impracticable.

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(2) A copy of the written report required by division (C)(1) of this section shall be kept on file in the law enforcement agency, and another copy of it shall be given to the person who was searched.

Any officer that fails to complete a proper search may be subject to criminal prosecution under ORC Section 2933.32 *Body cavity search, strip search - conducting unauthorized search - failure to prepare proper search report*, a misdemeanor of the fourth degree.

#### **901.13 TRAINING**

The Police Chief shall ensure members have training that includes (28 CFR 115.115):

- (a) Conducting searches of cross-gender individuals.
- (b) Conducting searches of transgender and intersex individuals.
- (c) Conducting searches in a professional and respectful manner, and in the least intrusive manner possible, consistent with security needs.

## Prison Rape Elimination

### 902.1 PURPOSE AND SCOPE

This policy provides guidance for complying with the Prison Rape Elimination Act of 2003 (PREA) and the implementing regulation that establishes standards (PREA Rule) to prevent, detect and respond to sexual abuse, harassment and retaliation against detainees in the Mount Healthy Police Department Temporary Holding Facilities (28 CFR 115.111).

#### 902.1.1 DEFINITIONS

Definitions related to this policy include:

**Intersex** - A person whose sexual or reproductive anatomy or chromosomal pattern does not seem to fit typical definitions of male or female. Intersex medical conditions are sometimes referred to as disorders of sex development (28 CFR 115.5).

**Sexual abuse** - Any of the following acts, if the detainee does not consent, is coerced into such act by overt or implied threats of violence or is unable to consent or refuse:

- Contact between the penis and the vulva or the penis and the anus, including penetration, however slight
- Contact between the mouth and the penis, vulva or anus
- Penetration of the anal or genital opening of another person, however slight, by a hand, finger, object or other instrument
- Any other intentional touching, either directly or through the clothing, of the genitalia, anus, groin, breast, inner thigh or the buttocks of another person, excluding contact incidental to a physical altercation (28 CFR 115.6)

Sexual abuse also includes abuse by a staff member, contractor or volunteer as follows, with or without consent of the detainee or resident:

- Contact between the penis and the vulva or the penis and the anus, including penetration, however slight
- Contact between the mouth and the penis, vulva or anus
- Contact between the mouth and any body part where the staff member, contractor or volunteer has the intent to abuse, arouse or gratify sexual desire
- Penetration of the anal or genital opening, however slight, by a hand, finger, object or other instrument, that is unrelated to official duties, or where the staff member, contractor or volunteer has the intent to abuse, arouse or gratify sexual desire
- Any other intentional contact, either directly or through the clothing, of or with the genitalia, anus, groin, breast, inner thigh or the buttocks, that is unrelated to official duties, or where the staff member, contractor or volunteer has the intent to abuse, arouse or gratify sexual desire

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- Any attempt, threat or request by a staff member, contractor or volunteer to engage in the activities described above
- Any display by a staff member, contractor or volunteer of his/her uncovered genitalia, buttocks or breast in the presence of a detainee or resident
- Voyeurism by a staff member, contractor or volunteer (28 CFR 115.6)

**Sexual harassment** - Repeated and unwelcome sexual advances; requests for sexual favors; verbal comments, gestures or actions of a derogatory or offensive sexual nature by one detainee or resident that are directed toward another; repeated verbal comments or gestures of a sexual nature to a detainee or resident by a staff member, contractor or volunteer, including demeaning references to gender, sexually suggestive or derogatory comments about body or clothing, or obscene language or gestures (28 CFR 115.6).

**Transgender** - A person whose gender identity (i.e., internal sense of feeling male or female) is different from the person's assigned sex at birth (28 CFR 115.5).

#### **902.2 POLICY**

The Mount Healthy Police Department has zero tolerance toward all forms of sexual abuse and sexual harassment (28 CFR 115.111). The Department will not tolerate retaliation against any person who reports sexual abuse or sexual harassment or who cooperates with a sexual abuse or sexual harassment investigation.

The Mount Healthy Police Department will take immediate action to protect detainees who are reasonably believed to be subject to a substantial risk of imminent sexual abuse (28 CFR 115.162).

#### **902.3 PREA COORDINATOR**

The Chief of Police shall appoint an upper-level manager with sufficient time and authority to develop, implement and oversee department efforts to comply with PREA standards in the Mount Healthy Police Department Temporary Holding Facilities (28 CFR 115.111). The PREA Coordinator's responsibilities shall include:

- (a) Developing and maintaining procedures to comply with the PREA Rule.
- (b) Ensuring that any contract for the confinement of Mount Healthy Police Department detainees includes the requirement to adopt and comply with applicable PREA and the PREA Rule, including the obligation to provide incident-based and aggregated data, as required in 28 CFR 115.187 (28 CFR 115.112).
- (c) Developing a staffing plan to provide adequate levels of staffing and video monitoring, where applicable, in order to protect detainees from sexual abuse (28 CFR 115.113). This includes documenting deviations and the reasons for deviations from the staffing plan, as well as reviewing the staffing plan a minimum of once per year.
- (d) Developing methods for staff to privately report sexual abuse and sexual harassment of detainees (28 CFR 115.151).



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- (e) Developing a written plan to coordinate response among staff first responders, medical and mental health practitioners, investigators and department leadership to an incident of sexual abuse (28 CFR 115.165).
- (f) Ensuring a protocol is developed for investigating allegations of sexual abuse in the Temporary Holding Facility. The protocol shall include (28 CFR 115.121; 28 CFR 115.122):
  - 1. Evidence collection practices that maximize the potential for obtaining usable physical evidence based on the most recent edition of the U.S. Department of Justice's (DOJ) Office on Violence Against Women publication, "A National Protocol for Sexual Assault Medical Forensic Examinations, Adults/Adolescents" or a similarly comprehensive and authoritative protocol.
  - 2. A process to ensure a criminal or administrative investigation is completed on all allegations of sexual abuse or sexual harassment.
  - 3. A process to document all referrals to other law enforcement agencies.
  - 4. Access to forensic medical examinations, without financial cost, for all victims of sexual abuse where appropriate. Such examinations shall be performed by Sexual Assault Forensic Examiners (SAFEs) or Sexual Assault Nurse Examiners (SANEs) where possible. If SAFEs or SANEs cannot be made available, the examination can be performed by other qualified medical practitioners. The efforts to provide SAFEs or SANEs shall be documented.
  - 5. In accordance with security needs, provisions to permit, to the extent available, detainee access to victim advocacy services if the detainee is transported for a forensic examination to an outside hospital that offers such services.
- (g) Ensuring that detainees with limited English proficiency and disabilities have an equal opportunity to understand and benefit from efforts to prevent, detect and respond to sexual abuse and sexual harassment. This includes, as appropriate, access to interpreters and written materials in formats or through methods that provide effective communication to those with disabilities (e.g., limited reading skills, intellectual, hearing or vision disabilities) (28 CFR 115.116).
  - 1. The agency shall not rely on other detainees for assistance except in limited circumstances where an extended delay in obtaining an interpreter could compromise the detainee's safety, the performance of first-response duties under this policy, or the investigation of a detainee's allegations of sexual abuse, harassment or retaliation.
- (h) Publishing on the department's website:
  - 1. Information on how to report sexual abuse and sexual harassment on behalf of a detainee (28 CFR 115.154).

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2. A protocol describing the responsibilities of the Department and any other investigating agency that will be responsible for conducting sexual abuse or sexual harassment investigations (28 CFR 115.122).
- (i) Establishing a process that includes the use of a standardized form and set of definitions to ensure accurate, uniform data is collected for every allegation of sexual abuse at facilities under this agency's direct control (28 CFR 115.187).
  1. The data collected shall include, at a minimum, the data necessary to answer all questions from the most recent version of the Survey of Sexual Violence, conducted by DOJ, or any subsequent form developed by DOJ and designated for lockups.
  2. The data shall be aggregated at least annually.
- (j) Ensuring audits are conducted pursuant to 28 CFR 115.401 through 28 CFR 115.405 for all Temporary Holding Facilities used to house detainees overnight (28 CFR 115.193).
- (k) Ensuring contractors or others who work in the Temporary Holding Facility are informed of the agency's zero-tolerance policy regarding sexual abuse and sexual harassment (28 CFR 115.132).

#### **902.4 REPORTING SEXUAL ABUSE AND HARASSMENT**

Detainees may make reports verbally, in writing, privately or anonymously of any of the following (28 CFR 115.151):

- Sexual abuse
- Sexual harassment
- Retaliation by other detainees or staff for reporting sexual abuse or sexual harassment
- Staff neglect or violation of responsibilities that may have contributed to sexual abuse or sexual harassment

During intake the Department shall notify all detainees of the zero-tolerance policy regarding sexual abuse and sexual harassment, and of at least one way to report abuse or harassment to a public or private entity that is not part of the Department and that is able to receive and immediately forward detainee reports of sexual abuse and sexual harassment to agency officials. This allows the detainee to remain anonymous (28 CFR 115.132; 28 CFR 115.151).

##### **902.4.1 MEMBER RESPONSIBILITIES**

Department members shall accept reports from detainees and third parties and shall promptly document all reports (28 CFR 115.151).

All members shall report immediately to the Shift Supervisor any knowledge, suspicion or information regarding:

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- (a) An incident of sexual abuse or sexual harassment that occurs in the Temporary Holding Facility.
- (b) Retaliation against detainees or the member who reports any such incident.
- (c) Any neglect or violation of responsibilities on the part of any department member that may have contributed to an incident or retaliation (28 CFR 115.161).

No member shall reveal any information related to a sexual abuse report to anyone other than to the extent necessary to make treatment and investigation decisions.

#### **902.4.2 SHIFT SUPERVISOR RESPONSIBILITIES**

The Shift Supervisor shall report to the department's designated investigators all allegations of sexual abuse, harassment, retaliation, neglect or violations leading to sexual abuse, harassment or retaliation. This includes third-party and anonymous reports (28 CFR 115.161).

If the alleged victim is under the age of 18 or considered a vulnerable adult, the Shift Supervisor shall also report the allegation as required under mandatory reporting laws and department policy.

Upon receiving an allegation that a detainee was sexually abused while confined at another facility, the Shift Supervisor shall notify the head of the facility or the appropriate office of the agency where the alleged abuse occurred. The notification shall be made as soon as possible but no later than 72 hours after receiving the allegation. The Shift Supervisor shall document such notification (28 CFR 115.163).

If an alleged detainee victim is transferred from the Temporary Holding Facility to a jail, prison or medical facility, the Department shall, as permitted by law, inform the receiving facility of the incident and the detainee's potential need for medical or social services, unless the detainee requests otherwise (28 CFR 115.165).

#### **902.5 INVESTIGATIONS**

The Department shall promptly, thoroughly and objectively investigate all allegations, including third-party and anonymous reports, of sexual abuse or sexual harassment. Only investigators who have received department-approved special training shall conduct sexual abuse investigations (28 CFR 115.171).

##### **902.5.1 FIRST RESPONDERS**

The first officer to respond to a report of sexual abuse or sexual assault shall (28 CFR 115.164):

- (a) Separate the parties.
- (b) Establish a crime scene to preserve and protect any evidence. Identify and secure witnesses until steps can be taken to collect any evidence.
- (c) If the abuse occurred within a time period that still allows for the collection of physical evidence, request that the alleged victim not take any actions that could destroy physical evidence, including, as appropriate, washing, brushing teeth, changing clothes, urinating, defecating, smoking, drinking or eating.

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- (d) If the abuse occurred within a time period that still allows for the collection of physical evidence, ensure that the alleged abuser does not take any actions that could destroy physical evidence, including, as appropriate, washing, brushing teeth, changing clothes, urinating, defecating, smoking, drinking or eating.

If the first responder is not an officer the responder shall request that the alleged victim not take any actions that could destroy physical evidence and should then notify a law enforcement staff member (28 CFR 115.164).

#### 902.5.2 INVESTIGATOR RESPONSIBILITIES

Investigators shall (28 CFR 115.171):

- (a) Gather and preserve direct and circumstantial evidence, including any available physical and biological evidence and any available electronic monitoring data.
- (b) Interview alleged victims, suspects and witnesses.
- (c) Review any prior complaints and reports of sexual abuse involving the suspect.
- (d) Conduct compelled interviews only after consulting with prosecutors as to whether compelled interviews may be an obstacle for subsequent criminal prosecution.
- (e) Assess the credibility of the alleged victim, suspect or witness on an individual basis and not by the person's status as a detainee or a member of the Mount Healthy Police Department.
- (f) Document in written reports a description of physical, testimonial, documentary and other evidence, the reasoning behind any credibility assessments, and investigative facts and findings.
- (g) Refer allegations of conduct that may be criminal to the County Prosecutor for possible prosecution, including any time there is probable cause to believe a detainee sexually abused another detainee in the Temporary Holding Facility (28 CFR 115.178).
- (h) Cooperate with outside investigators and remain informed about the progress of any outside investigation.

#### 902.5.3 ADMINISTRATIVE INVESTIGATIONS

Administrative investigations shall include an effort to determine whether staff actions or failures to act contributed to the abuse. The departure of the alleged abuser or victim from the employment or control of this department shall not be used as a basis for terminating an investigation (28 CFR 115.171).

#### 902.5.4 SEXUAL ASSAULT AND SEXUAL ABUSE VICTIMS

No detainee who alleges sexual abuse shall be required to submit to a polygraph examination or other truth-telling device as a condition for proceeding with the investigation of such an allegation (28 CFR 115.171(e)).

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Detainee victims of sexual abuse shall receive timely, unimpeded access to emergency medical treatment. Treatment services shall be provided to the victim without financial cost and regardless of whether the victim names the abuser or cooperates with any investigation arising out of the incident (28 CFR 115.182).

#### **902.5.5 CONCLUSIONS AND FINDINGS**

All completed investigations shall be forwarded to the Chief of Police, or if the allegations may reasonably involve the Chief of Police, to the City Manager. The Chief of Police or City Manager shall review the investigation and determine whether any allegations of sexual abuse or sexual harassment have been substantiated by a preponderance of the evidence (28 CFR 115.172).

All personnel shall be subject to disciplinary sanctions up to and including termination for violating this policy. Termination shall be the presumptive disciplinary sanction for department members who have engaged in sexual abuse. All discipline shall be commensurate with the nature and circumstances of the acts committed, the member's disciplinary history and the sanctions imposed for comparable offenses by other members with similar histories (28 CFR 115.176).

All terminations for violations of this policy, or resignations by members who would have been terminated if not for their resignation, shall be criminally investigated unless the activity was clearly not criminal and reported to any relevant licensing body (28 CFR 115.176).

Any contractor or volunteer who engages in sexual abuse shall be prohibited from contact with detainees and reported to any relevant licensing bodies (28 CFR 115.177). The Chief of Police shall take appropriate remedial measures and consider whether to prohibit further contact with detainees by a contractor or volunteer.

#### **902.6 RETALIATION PROHIBITED**

All detainees and members who report sexual abuse or sexual harassment or who cooperate with sexual abuse or sexual harassment investigations shall be protected from retaliation (28 CFR 115.167). If any other individual who cooperates with an investigation expresses a fear of retaliation, appropriate measures shall be taken to protect that individual.

The Shift Supervisor or the authorized designee shall employ multiple protection measures, such as housing changes or transfers for detainee victims or abusers, removal of alleged abusers from contact with victims, and emotional support services for detainees or members who fear retaliation for reporting sexual abuse or sexual harassment or for cooperating with investigations.

The Shift Supervisor or the authorized designee shall identify a staff member to monitor the conduct and treatment of detainees or members who have reported sexual abuse and of detainees who were reported to have suffered sexual abuse. The staff member shall act promptly to remedy any such retaliation. In the case of detainees, such monitoring shall also include periodic status checks.

#### **902.7 REVIEWS AND AUDITS**

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##### 902.7.1 INCIDENT REVIEWS

An incident review shall be conducted at the conclusion of every sexual abuse investigation, unless the allegation has been determined to be unfounded. The review should occur within 30 days of the conclusion of the investigation. The review team shall include upper-level management officials and seek input from line supervisors and investigators (28 CFR 115.186).

The review shall (28 CFR 115.186):

- (a) Consider whether the allegation or investigation indicates a need to change policy or practice to better prevent, detect or respond to sexual abuse.
- (b) Consider whether the incident or allegation was motivated by race; ethnicity; gender identity; lesbian, gay, bisexual, transgender or intersex identification, status or perceived status; gang affiliation; or was motivated or otherwise caused by other group dynamics at the facility.
- (c) Examine the area in the facility where the incident allegedly occurred to assess whether physical barriers in the area may enable abuse.
- (d) Assess the adequacy of staffing levels in that area during different shifts.
- (e) Assess whether monitoring technology should be deployed or augmented to supplement supervision by staff.

The review team shall prepare a report of its findings, including any determinations made pursuant to this section and any recommendations for improvement. The report shall be submitted to the Chief of Police and the PREA Coordinator. The Chief of Police or the authorized designee shall implement the recommendations for improvement or shall document the reasons for not doing so (28 CFR 115.186).

##### 902.7.2 DATA REVIEWS

The facility shall conduct an annual review of collected and aggregated incident-based sexual abuse data. The review should include, as needed, data from incident-based documents, including reports, investigation files and sexual abuse incident reviews (28 CFR 115.187).

The purpose of these reviews is to assess and improve the effectiveness of sexual abuse prevention, detection and response policies, practices and training. An annual report shall be prepared that includes (28 CFR 115.188):

- (a) Identification of any potential problem areas.
- (b) Identification of any corrective actions taken.
- (c) Recommendations for any additional corrective actions.
- (d) A comparison of the current year's data and corrective actions with those from prior years.
- (e) An assessment of the department's progress in addressing sexual abuse.

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The report shall be approved by the Chief of Police and made readily available to the public through the department website or, if it does not have one, through other means. Material may be redacted from the reports when publication would present a clear and specific threat to the safety and security of the Temporary Holding Facility. However, the nature of the redacted material shall be indicated.

All aggregated sexual abuse data from Mount Healthy Police Department facilities and private facilities with which it contracts shall be made readily available to the public at least annually through the department website or, if it does not have one, through other means. Before making aggregated sexual abuse data publicly available, all personal identifiers shall be removed (28 CFR 115.189).

#### **902.8 RECORDS**

The Department shall retain all written reports from administrative and criminal investigations pursuant to this policy for as long as the alleged abuser is held or employed by the Department, plus five years (28 CFR 115.171).

All other data collected pursuant to this policy shall be securely retained for at least 10 years after the date of the initial collection unless federal, state or local law requires otherwise (28 CFR 115.189).

#### **902.9 TRAINING**

All employees, volunteers and contractors who may have contact with detainees shall receive department-approved training on the prevention and detection of sexual abuse and sexual harassment within this facility. The Police Chief shall be responsible for developing and administering this training as appropriate, covering at a minimum (28 CFR 115.131):

- The Department's zero-tolerance policy and detainees' right to be free from sexual abuse and sexual harassment, and from retaliation for reporting sexual abuse or harassment.
- The dynamics of sexual abuse and harassment in confinement settings, including which detainees are most vulnerable.
- The right of detainees and staff members to be free from sexual abuse and sexual harassment, and from retaliation for reporting sexual abuse or harassment.
- Detecting and responding to signs of threatened and actual abuse.
- Communicating effectively and professionally with all detainees.
- Compliance with relevant laws related to mandatory reporting of sexual abuse to outside authorities.

Investigators assigned to sexual abuse investigations shall also receive training in conducting such investigations in confinement settings. Training should include (28 CFR 115.134):

- Techniques for interviewing sexual abuse victims.

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- Proper use of *Miranda* and *Garrity* warnings.
- Sexual abuse evidence collection in confinement settings.
- Criteria and evidence required to substantiate a case for administrative action or prosecution referral.

The Police Chief shall maintain documentation that employees, volunteers, contractors and investigators have completed required training and that they understand the training. This understanding shall be documented through individual signature or electronic verification.

All current employees and volunteers who may have contact with detainees shall be trained within one year of the effective date of the PREA standards. The agency shall provide annual refresher information to all such employees and volunteers to ensure that they understand the current sexual abuse and sexual harassment policies and procedures.



## Chapter 10 - Personnel

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## Recruitment and Selection

### 1000.1 PURPOSE AND SCOPE

This policy provides a framework for employee recruiting efforts and identifying job-related standards for the selection process. This policy supplements the rules that govern employment practices for the Mount Healthy Police Department and that are promulgated and maintained by the Personnel Department.

#### 1000.1.1 CERTIFICATION STANDARDS

This policy contains content that pertains to the following Ohio Collaborative Law Enforcement Agency Certification (OCLEAC) Standards: 8.2015.2

[See attachment: OCLEAC Standards Compliance Checklist Updated 2017.pdf](#)

### 1000.2 POLICY

In accordance with applicable federal, state, and local law, the Mount Healthy Police Department provides equal opportunities for applicants and employees regardless of actual or perceived race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, age, disability, pregnancy, genetic information, veteran status, marital status, and any other classification or status protected by law. The Department does not show partiality or grant any special status to any applicant, employee, or group of employees unless otherwise required by law.

The Department will recruit and hire only those individuals who demonstrate a commitment to service and who possess the traits and characteristics that reflect personal integrity and high ethical standards.

The Mount Healthy Police Department will hire and promote only those employees, or others (such as independent contractors), who are the best available candidates for a position according to the accepted standards of objectivity and merit [Executive Order:13929].

### 1000.3 RECRUITMENT

The Mount Healthy Police Department strives to maintain an ethnic and gender composition in the sworn law enforcement ranks in approximate proportion to the makeup of the available workforce in its service area and directs its recruitment efforts toward that goal.

To promote the aggressive recruitment of qualified minorities, supervisor assigned by the Police Chief shall be responsible for the development, implementation, review, and revision of the Department's recruitment plan. Records of recruitment activities shall be maintained by the sergeants

The Administration Sergeant should employ a comprehensive recruitment and selection strategy to recruit and select employees from a qualified and diverse pool of candidates.

The strategy should include:

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The Administration Sergeant shall avoid advertising, recruiting and screening practices that tend to stereotype, focus on homogeneous applicant pools or screen applicants in a discriminatory manner.

The Department should strive to facilitate and expedite the screening and testing process, and should periodically inform each candidate of his/her status in the recruiting process.

- (a) (a) Identification of racially and culturally diverse target markets.
- (b) Use of marketing strategies to target diverse applicant pools.
- (c) Expanded use of technology and maintenance of a strong internet presence. This may include an interactive department website and the use of department-managed social networking sites, if resources permit.
- (d) Expanded outreach through partnerships with media, community groups, citizen academies, local colleges, universities and the military.
- (e) Employee referral and recruitment incentive programs.
- (f) Consideration of shared or collaborative regional testing processes.

#### 1000.3.1 RECRUITMENT ACTION PLAN

The Mount Healthy Police Department Recruitment Plan for full-time sworn officers shall comply with statutory and constitutional requirements and include these elements:

- (a) A statement of measurable objectives.
- (b) An evaluation of progress toward stated goals.
- (c) An annual analysis, due in January, shall be conducted on the Recruitment Plan and shall include:
  - 1. Progress made on stated objectives.
  - 2. Revisions, to the plan, as needed in order to achieve the stated objectives.
- (d) A statement identifying any impediments in the recruitment process and specific steps taken to overcome the impediments.
- (e) Utilization of the Department's minority personnel who are fluent in non-English languages in recruitment activities.
- (f) Depicting females and representatives of ethnic/cultural/race minority groups in law enforcement roles in the agency's recruitment literature.
- (g) Establishing relationships with organizations in the community who represent targeted groups.

#### 1000.3.2 RECRUITMENT PLAN ADMINISTRATION

The Police Chief will identify employees inside or outside the agency responsible for the recruitment plan administration.

Employees designated to assist in recruiting efforts will be trained in personnel matters, especially equal employment opportunity, as it affects the management and operation of the Mount Healthy

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Police Department. Recruitment teams may occasionally be assigned to visit local colleges for career day presentations, police academies or to conduct specific recruitment activities. Employees assigned to recruitment will be trained in these areas:

- (a) The recruitment needs and commitment of the Mount Healthy Police Department.
- (b) The career opportunities, salaries, benefits and training of the Mount Healthy Police Department.
- (c) EEOC/AA compliance.
- (d) City of Mount Healthy demographic data, its various community organizations and educational institutions.
- (e) The City of Mount Healthy's diversity philosophy.
- (f) An overall understanding of the recruitment and selection process.
- (g) Characteristics that may disqualify candidates

#### **Employees Role in Recruitment**

The Mount Healthy Police Department involves all personnel in recruitment activities by:

- (a) Participating in job fairs and other recruitment efforts.
- (b) Soliciting input concerning applicants known to officers or employees.

#### **Minorities' Role in Recruitment**

Whenever possible, minority employees from the Mount Healthy Police Department shall be included in formal recruiting events.

By placing minority personnel, especially those of supervisory ranks, in recruitment roles, the Mount Healthy Police Department can:

- (a) Demonstrate their commitment to the minority population.
- (b) Enhance the receptivity of the minority population to the recruiter.
- (c) Increase the potential for recruiting minority personnel.

#### **1000.4 SELECTION PROCESS**

The Department shall actively strive to identify a diverse group of candidates that have in some manner distinguished themselves as being outstanding prospects. The selection criteria for reserves relating to skills, knowledge and abilities are the same as those for full-time sworn officers. Minimally, the Department should employ a comprehensive screening, background investigation and selection process that assesses cognitive and physical abilities and includes review and verification of the following:

- (a) Verification of qualifying credentials.
- (b) Criminal History Report
- (c) Verification of personal and professional references.
- (d) Education verification

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- (e) A review of relevant National or State Decertification resources, if available.
- (f) Employment history
- (g)
- (h) A comprehensive application for employment (including previous employment history, references, current and prior addresses, education, military record)
- (i) Driving record
- (j) Reference checks
- (k) Employment eligibility, including U.S. Citizenship and Immigration Services (USCIS) Employment Eligibility Verification Form I-9 and acceptable identity and employment authorization documents. This required documentation should not be requested until a candidate is hired. This does not prohibit obtaining documents required for other purposes.
- (l) Information obtained from public internet sites
- (m) Financial history consistent with the Fair Credit Reporting Act (FCRA) (15 USC § 1681 et seq.)
- (n) Polygraph or voice stress analyzer (VSA) examination (when legally permissible)
- (o) Medical and psychological examination (may only be given after a conditional offer of employment). The psychological examination must be assessed by a qualified professional prior to appointment.
- (p) Review board or selection committee assessment

Candidates applying for a full-time police officer position will be required to take a Civil Service Examination.

#### 1000.4.1 VETERAN PREFERENCE

Veterans or reservists of the United States Armed Forces who are residents of Ohio, separated from the armed forces under honorable conditions following more than six months of active duty and are candidates for job openings shall receive preference as applicable (ORC § 124.23(C)).

In the event that ratings are equal, candidates who are eligible for veteran's preference shall receive priority in rank on eligibility lists and in original appointments over non-veterans on the list. Ties among veterans or reservists shall be decided by priority of filing the application. A tie between a veteran and a reservist shall be decided in favor of the veteran (ORC § 124.26).

#### 1000.4.2 ORIGINAL APPOINTMENT UNIFORMED SERVICE CREDIT AND VETERANS PREFERENCE AND PART TIME PATROL OFFICERS SERVICE CREDIT

Any applicant for original appointment who is a resident of Ohio, who has completed service in the uniformed services as described in R.C. 124.23, who was honorably discharged or transferred to reserve duty with evidence of satisfactory service, and who otherwise meets the qualifications of that section, may file with the Commission a certificate of service or honorable discharge for extra credit for such service. The applicant must submit proof of by the application deadline. The

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Commission shall grant additional credit of twenty percent (20%) of the total grade given in the regular examination to any applicant who files for the extra credit and qualifies, provided that he or she has first received a passing grade on the examination.

Such requests for uniformed service credit must be submitted to the Commission along with the application for examination and must, at that time, be accompanied by proof of uniformed service as described above. Uniformed service credit requested after the final date for test application will not be honored.

Applicants eligible for veterans credit on original examination shall receive a priority in ranking over non-veterans who obtain an identical grade.

In examinations for full-time Patrol Officer, credit for education and credit for service as a part-time Patrol Officer with the City of Mt. Healthy shall be added to the examination grade in addition to any applicable veteran or uniformed service credit.

- I. Credit for education: for completion of an associate's degree, ten percent (10%) additional credit shall be added to the total grade attainable in the examination. For completion of a bachelor's degree, twenty percent (20%) additional credit shall be added to the total grade attainable in the examination. The applicant must submit proof of completed degree by the application deadline.
- II. Credit for service as a part-time Patrol Officer with the City of Mt. Healthy: for each of the first five (5) years of service, three percent (3%) additional credit shall be added to the total grade attainable in the examination.

The total amount of combined additional credit for veteran or uniformed service status, education, and/or service as a part-time Patrol Officer with the City of Mt. Healthy may not exceed twenty-five percent (25%) of the total grade attainable in the examination.

#### 1000.4.3 APPLICATION PROCESS

The Administration Sergeant shall maintain documentation defining a fair and impartial application process.

- (a) All elements of the process, including physical ability testing, shall be job-related and nondiscriminatory.
- (b) All elements of the process shall be administered, scored and interpreted in a uniform manner.

#### 1000.5 BACKGROUND INVESTIGATION

Every candidate shall undergo a thorough background investigation to verify his/her personal integrity and high ethical standards, and to identify any past behavior that may be indicative of the candidate's unsuitability to perform duties relevant to the operation of the Mount Healthy Police Department.

##### 1000.5.1 NOTICES

Background investigators shall ensure that investigations are conducted and notices provided in accordance with the requirements of the FCRA (15 USC § 1681d).

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##### 1000.5.2 REVIEW OF SOCIAL MEDIA SITES

Due to the potential for accessing unsubstantiated, private or protected information, the Administration Sergeant should not require candidates to provide passwords, account information or access to password-protected social media accounts.

The Administration Sergeant should consider utilizing the services of an appropriately trained and experienced third party to conduct open source, internet-based searches and/or review information from social media sites to ensure that:

- (a) The legal rights of candidates are protected.
- (b) Material and information to be considered are verified, accurate and validated.
- (c) The Department fully complies with applicable privacy protections and local, state and federal law.

Regardless of whether a third party is used, the Administration Sergeant should ensure that potentially impermissible information is not available to any person involved in the candidate selection process.

##### 1000.5.3 DOCUMENTING AND REPORTING

The background investigator shall summarize the results of the background investigation in a report that includes sufficient information to allow the reviewing authority to decide whether to extend a conditional offer of employment. The report shall not include any information that is prohibited from use, including that from social media sites, in making employment decisions. The report and all supporting documentation shall be included in the candidate's background investigation file.

##### 1000.5.4 RECORDS RETENTION

The background report and all supporting documentation shall be maintained in accordance with the established records retention schedule.

#### **1000.6 DISQUALIFICATION GUIDELINES**

As a general rule, performance indicators and candidate information and records shall be evaluated by considering the candidate as a whole, and taking into consideration the following:

- Age at the time the behavior occurred
- Passage of time
- Patterns of past behavior
- Severity of behavior
- Probable consequences if past behavior is repeated or made public
- Likelihood of recurrence
- Relevance of past behavior to public safety employment
- Aggravating and mitigating factors

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- Other relevant considerations

A candidate's qualifications will be assessed on a case-by-case basis, using a totality-of-the-circumstances framework.

#### **1000.7 EMPLOYMENT STANDARDS**

All candidates shall meet the minimum standards required by state law. Candidates will be evaluated based on merit, ability, competence and experience, in accordance with the high standards of integrity and ethics valued by the Department and the community.

Validated, job-related and nondiscriminatory employment standards shall be established for each job classification and shall minimally identify the training, abilities, knowledge and skills required to perform the position's essential duties in a satisfactory manner. Each standard should include performance indicators for candidate evaluation. The Personnel Department should maintain validated standards for all positions.

##### 1000.7.1 STANDARDS FOR OFFICERS

Candidates shall meet the minimum standards for training and certification established by the Ohio Peace Officer Training Commission (OPOTC) prior to permanent employment as a peace officer (ORC § 109.73).

#### **1000.8 ANNUAL REVIEW AND ANALYSIS**

The Assistant Finance Director should review the personnel recruitment and hiring process annually. This analysis will be documented.

##### 1000.8.1 JOB DESCRIPTION MAINTENANCE AND AVAILABILITY

The Mount Healthy Police Department shall maintain Job descriptions for all employees. Every four years, a documented review of all job descriptions will be conducted by the Sergeants. The review will be submitted to the Police Chief for approval. The review will ensure that job descriptions are current and made available to all personnel on the City M: Drive computer network.

#### **FULL TIME POLICE OFFICER**

- Twelve (12) month probationary period
- Reports to Sergeant

QUALIFICATIONS: An example of acceptable Qualifications:

- Possession of Ohio Peace Officer Training Certification and valid Ohio driver's license

LICENSURE OF CERTIFICATION REQUIREMENTS:

- Ohio driver's license
- Ohio Peace Officer Training Certification
- Firearms proficiency Certification



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##### MINIMUM ACCEPTABLE CHARACTERISTICS: (\* indicates developed after employment)

- Knowledge of: state and local laws pertaining to law enforcement; police procedures and materials; arrest procedures; routine investigation techniques and procedures; court process and procedures; evidence collection procedures.
- Ability to: recognize unusual or threatening conditions and take appropriate action; deal with variety of variables in somewhat unfamiliar context; communicate effectively; subdue and restrain individuals; maintain accurate records; prepare meaningful, concise and accurate reports; define problems, collect data, establish facts and draw valid conclusions; handle sensitive inquiries from and contact officials and general public; prepare and present testimony.
- Skill in: police cruiser; firearms (including shotgun); 2-way radio; radar device; Breath testing instrument.

##### ESSENTIAL FUNCTIONS OF THE POSITION: For purposes of 42 USC 12101

- 15% Patrols designated area in law enforcement vehicle to enforce state and local criminal and motor vehicle laws and prevent crime; patrols residential and commercial property (e.g., inspects corridors, doorways, and alleys, etc.) to detect suspicious activity; secures crime scenes, interviews complainants, suspects, and victims; obtain witness reports, and collects evidence to investigate and report crimes and complaints.
- 15% Monitors traffic conditions and directs traffic flow; operates radar to enforce speed limits; observes drivers and operates breath testing instrument to detect drunk drivers; issues traffic citations; responds to traffic accidents to provide assistance, secure bystanders, safeguard property and investigate causes and condition of accident.
- 20% Receives and transmits information using two-way radio and telephone to respond to a variety of emergencies and complaints (e.g., accidents, confrontations, injuries, crimes, complaints, etc.); safely and effectively operates assigned weapons (e.g., handgun, shotgun, etc.) to protect, apprehend, restrain, subdue transport or escort criminals, suspects, and prisoners; practices standardized restraint methods using force continuum to protect person and other individuals from bodily injury.
- and assigned weapons to transport and escort prisoners to and from court and penal institutions.under arrest (e.g. questions, books, searches, transports, etc.) and contact other agencies; uses cruiser 20% Communicates with criminals, suspects, and other law enforcement officials to process individuals
- 20% Presents testimony and evidence in court as a witness in traffic or criminal cases; serves legal documents and warrants to carry out orders of the court; provides information to the public regarding law enforcement matters as requested.
- 10% Prepares and maintains log of patrol activity to record daily activities; prepares related reports (e.g., activities, investigations, incidents, bookings, etc.) to assist with daily and shift operations and to assist with investigation and prosecution. Maintains required licenses and certificates, including firearms proficiency, valid driver's license, and Ohio Peace Officer Training Certification.

##### OTHER DUTIES AND RESPONSIBILITIES:

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- Demonstrates regular and predictable attendance.
- Obtains other law enforcement certificates related to assigned duties.
- Cleans and Maintains assigned law enforcement vehicle.
- Performs other related duties as required or assigned.

#### INHERENTLY HAZARDOUS OR PHYSICALLY DEMANDING WORKING CONDITIONS:

- May be exposed to blood, bodily fluids, tissue, and other potentially infectious material.
- May be exposed to bodily injury from violent, assaultive, and dangerous persons.
- May be required to operate a motor vehicle in hazardous driving conditions.

#### **PART TIME POLICE OFFICER**

- Twelve (12) month probationary period
- Reports to Sergeant

#### QUALIFICATIONS: An example of acceptable Qualifications:

- Possession of Ohio Peace Officer Training Certification and valid Ohio driver's license.

#### LICENSURE OF CERTIFICATION REQUIREMENTS:

- Ohio driver's license
- Ohio Peace Officer Training Certification
- Firearms proficiency Certification

#### MINIMUM ACCEPTABLE CHARACTERISTICS: (\* indicates developed after employment)

- Knowledge of: state and local laws pertaining to law enforcement; police procedures and materials; arrest procedures; routine investigation techniques and procedures; court process and procedures; evidence collection procedures.
- Ability to: recognize unusual or threatening conditions and take appropriate action; deal with variety of variables in somewhat unfamiliar context; communicate effectively; subdue and restrain individuals; maintain accurate records; prepare meaningful, concise and accurate reports; define problems, collect data, establish facts and draw valid conclusions; handle sensitive inquiries from and contact officials and general public; prepare and present testimony.
- Skill in: police cruiser; firearms (including shotgun); 2-way radio; radar device; Breath testing instrument.

#### ESSENTIAL FUNCTIONS OF THE POSITION: For purposes of 42 USC 12101

- 15% Patrols designated area in law enforcement vehicle to enforce state and local criminal and motor vehicle laws and prevent crime; patrols residential and commercial property (e.g., inspects corridors, doorways, and alleys, etc.) to detect suspicious

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activity; secures crime scenes, interviews complainants, suspects, and victims; obtain witness reports, and collects evidence to investigate and report crimes and complaints.

- 15% Monitors traffic conditions and directs traffic flow; operates radar to enforce speed limits; observes drivers and operates breath testing instrument to detect drunk drivers; issues traffic citations; responds to traffic accidents to provide assistance, secure bystanders, safeguard property and investigate causes and condition of accident.
- 20% Receives and transmits information using two-way radio and telephone to respond to a variety of emergencies and complaints (e.g., accidents, confrontations, injuries, crimes, complaints, etc.); safely and effectively operates assigned weapons (e.g., handgun, shotgun, etc.) to protect, apprehend, restrain, subdue transport or escort criminals, suspects, and prisoners; practices standardized restraint methods using force continuum to protect person and other individuals from bodily injury.
- 20% Communicates with criminals, suspects, and other law enforcement officials to process individuals under arrest (e.g. questions, books, searches, transports, etc.) and contact other agencies; uses cruiser and assigned weapons to transport and escort prisoners to and from court and penal institutions.
- 20% Presents testimony and evidence in court as a witness in traffic or criminal cases; serves legal documents and warrants to carry out orders of the court; provides information to the public regarding law enforcement matters as requested.
- 10% Prepares and maintains log of patrol activity to record daily activities; prepares related reports (e.g., activities, investigations, incidents, bookings, etc.) to assist with daily and shift operations and to assist with investigation and prosecution.

#### OTHER DUTIES AND RESPONSIBILITIES:

- Maintains required licenses and certificates, including firearms proficiency, valid driver's license, and Ohio Peace Officer Training Certification.
- Demonstrates regular and predictable attendance.
- Obtains other law enforcement certificates related to assigned duties.
- Cleans and Maintains assigned law enforcement vehicle.
- Performs other related duties as required or assigned.

#### INHERENTLY HAZARDOUS OR PHYSICALLY DEMANDING WORKING CONDITIONS:

- May be exposed to blood, bodily fluids, tissue, and other potentially infectious material.
- May be exposed to bodily injury from violent, assaultive, and dangerous persons.
- May be required to operate a motor vehicle in hazardous driving conditions.

#### **DETECTIVE**

- Twelve (12) month probationary period
- Reports to Police Chief

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QUALIFICATIONS: An example of acceptable Qualifications:

- Possession of Ohio Peace Officer Training Certification and valid Ohio driver's license; additional training or experience which evidences an advanced knowledge of investigatory procedures.

LICENSURE OF CERTIFICATION REQUIREMENTS:

- Ohio driver's license
- Ohio Peace Officer Training Certification
- Firearms proficiency Certification

MINIMUM ACCEPTABLE CHARACTERISTICS: (\* indicates developed after employment)

- Knowledge of: state and local laws pertaining to law enforcement; police procedures and materials; arrest procedures; advanced investigation techniques and procedures; court process and procedures; evidence collection procedures.
- Ability to: recognize unusual or threatening conditions and take appropriate action; deal with variety of variables in somewhat unfamiliar context; communicate effectively; subdue and restrain individuals; maintain accurate records; prepare meaningful, concise and accurate reports; define problems, collect data, establish facts and draw valid conclusions; handle sensitive inquiries from and contact officials and general public; prepare and present testimony.
- Skill in: police cruiser; firearms (including shotgun); 2-way radio; radar device; Breath testing instrument.

ESSENTIAL FUNCTIONS OF THE POSITION: For purposes of 42 USC 12101

- 15% Collects evidence at crime scene (e.g., fingerprints, blood samples, other samples, etc.); evidence; transports evidence to crime lab as catalogs, photographs, packages, labels, preserves and necessary.
- 15% Interviews victims, witnesses, and suspects; processes prisoners (e.g., photographs, collects data, fingerprints, searched, etc.).
- 30% Assists with preparation of cases; prepares and organizes complete and detailed records and reports; communicates with attorneys, community agencies, other law enforcement agencies, general public, etc.; appears and testifies at preliminary hearings, pre-trial hearings, court trials, etc.
- 20% Receives and transmits information using two-way radio and telephone to respond to a variety of emergencies and complaints (e.g., accidents confrontations, injuries, crimes, complaints, etc.); safely and effectively operates assigned weapons (e.g., handgun, shotgun, baton, chemical sprays, etc.) to protect, apprehend, restrain, subdue, transport or escort criminals, suspects, and other individuals from bodily injury.

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- 10% Prepares and maintains daily log of activities; prepares related reports ( e.g., activities, investigations, incidents, bookings, etc.) to assist with daily and shift operations and to assist with investigation and prosecution.
- 10% Serves as department DARE instructor; prepares and maintains schedules, lesson plans, records and report; tabulates related statistics; prepares and grades program exams; issues graduation certificates.

#### OTHER DUTIES AND RESPONSIBILITIES:

- Maintains required licenses and certificates, including firearms proficiency, valid driver's license, and Ohio Peace Officer Training Certification.
- Obtains other law enforcement certificates related to assigned duties.
- Cleans and Maintains assigned law enforcement vehicle.
- Performs other related duties as required or assigned.

#### **POLICE SERGEANT**

- Twelve (12) month probationary period
- Reports to Police Chief

#### POSITIONS SUPERVISED:

- Patrol Officer(s)

#### QUALIFICATIONS: An example of acceptable Qualifications:

- Possession of Ohio Peace Officer Training Certification and valid Ohio driver's license; three (3) years patrol experience.

#### LICENSURE OF CERTIFICATION REQUIREMENTS:

- Ohio driver's license
- Ohio Peace Officer Training Certification
- Firearms proficiency Certification

#### MINIMUM ACCEPTABLE CHARACTERISTICS: (\* indicates developed after employment)

- Knowledge of: state and local laws pertaining to law enforcement; police procedures and materials; arrest procedures; advanced investigation techniques and procedures; court process and procedures; evidence collection procedures.
- Ability to: recognize unusual or threatening conditions and take appropriate action; deal with variety of variables in somewhat unfamiliar context; communicate effectively; subdue and restrain individuals; maintain accurate records; prepare meaningful, concise and accurate reports; define problems, collect data, establish facts and draw valid conclusions; handle sensitive inquiries from and contact officials and general public;prepare and present testimony.

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- Skill in: police cruiser; firearms (including shotgun); 2-way radio; radar device; Breath testing instrument.

#### ESSENTIAL FUNCTIONS OF THE POSITION: For purposes of 42 USC 12101

- 10% Supervises Patrol Officers on assigned shift; ensures work is performed safely and legally; advises on questions regarding policy and procedures; assigns duties, and special details; trains employees and reports are timely and accurately completed. ensure evaluates work performance;
- 15% Monitors traffic conditions and directs traffic flow; operates radar to enforce speed limits; observes drivers and operates breath testing instrument to detect drunk drivers; issues traffic citations; responds to traffic accidents to provide assistance, secure bystanders, safeguard property and investigate causes and condition of accident.
- 15% Receives and transmits information using two-way radio and telephone to respond to a variety of emergencies and complaints (e.g., accidents, confrontations, injuries, crimes, complaints, etc.); safely and effectively operates assigned weapons (e.g., handgun, shotgun, etc.) to protect, apprehend, restrain, subdue transport or escort criminals, suspects, and prisoners; practices standardized restraint methods using force continuum to protect person and other individuals from bodily injury.
- 20% Communicates with criminals, suspects, and other law enforcement officials to process individuals under arrest (e.g. questions, books, searches, transports, etc.) and contact other agencies; uses cruiser and assigned weapons to transport and escort prisoners to and from court and penal institutions.
- 20% Presents testimony and evidence in court as a witness in traffic or criminal cases; serves legal documents and warrants to carry out orders of the court; provides information to the public regarding law enforcement matters as requested.
- 10% Prepares and maintains log of patrol activity to record daily activities; prepares related reports (e.g., activities, investigations, incidents, bookings, etc.) to assist with daily and shift operations and to assist with investigation and prosecution.
- 10% Instructs officers in safe operation of firearms (including shotgun); evaluates officers to verify firearm qualification; provides training in range safety, home safety, use of deadly force and related policies; maintains and repairs all department firearms as a certified Glock Armorer.

#### OTHER DUTIES AND RESPONSIBILITIES:

- Maintains required licenses and certificates, including firearms proficiency, valid driver's license, and Ohio Peace Officer Training Certification.
- Demonstrates regular and predictable attendance.

#### OTHER DUTIES AND RESPONSIBILITIES:

- Obtains other law enforcement certificates related to assigned duties.
- Cleans and Maintains assigned law enforcement vehicle.

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- Performs other related duties as required or assigned.

#### INHERENTLY HAZARDOUS OR PHYSICALLY DEMANDING WORKING CONDITIONS:

- May be exposed to blood, bodily fluids, tissue, and other potentially infectious material.
- May be exposed to bodily injury from violent, assaultive, and dangerous persons.
- May be required to operate a motor vehicle in hazardous driving conditions.

#### **1000.9 TRAINING**

Annual recruitment and hiring training should be provided for those members involved in recruitment and hiring activities. Training should include, but is not limited to, the recruitment and hiring plan, the department's equal employment opportunity plan, recruitment and hiring qualifications, the department's application and selection processes, and the department's annual review/analysis of the recruitment and hiring process.

Mount Healthy Police Department requires all full-time, part-time or volunteer individuals charged with performing sworn law enforcement duties to complete a recruit academy training program equivalent to that required of full-time sworn officers. Should Mount Healthy Police Department not wish to include certain employee classifications with law enforcement responsibilities in a full academy, they may opt that classification out of a full academy by accomplishing the following:

- Prepare a detailed job task analysis for the position which identifies tasks that are law enforcement related; and
- Develop a matrix that identifies the training and hours of training provided, of that training for the classification.

#### **1000.10 PROBATIONARY PERIODS**

The Administration Sergeant should coordinate with the Mt. Healthy Personnel Department to identify positions subject to probationary periods and procedures for:

- (a) Appraising performance during probation.
- (b) Assessing the level of performance required to complete probation.
- (c) Extending probation.
- (d) Documenting successful or unsuccessful completion of probation.

## Evaluation of Employees

### 1001.1 PURPOSE AND SCOPE

A performance evaluation of each full-time employee and all sworn personnel shall be conducted and documented at least annually with the exception of the Police Chief.

The Department's evaluation system is designed to record work performance for both the Department and the employee, providing recognition for good work and developing a guide for improvement. See related Chief's General Order #34-2017 for additional policy.

### 1001.2 POLICY

The Mount Healthy Police Department utilizes a performance evaluation report to measure performance and to use as a factor in making personnel decisions that relate to merit increases, promotion, reassignment, discipline, demotion, and termination. The evaluation report is intended to serve as a guide for work planning and review by the supervisor and employee. It gives supervisors a way to create an objective history of work performance based on job standards.

The Department evaluates employees in a non-discriminatory manner based upon job-related factors specific to the employee's position, without regard to actual or perceived race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, age, disability, pregnancy, genetic information, veteran status, marital status, and any other classification or status protected by law.

### 1001.3 EVALUATION PROCESS

Evaluation reports will cover a specific period of time and should be based on documented performance during that period. Evaluation reports will be completed by each employee's immediate supervisor. Other supervisors directly familiar with the employee's performance during the rating period should be consulted by the immediate supervisor for his/her input.

All sworn and civilian supervisory personnel shall attend an approved supervisory course that includes training on the completion of performance evaluations within one year of the supervisory appointment.

Each supervisor should discuss the tasks of the position, standards of performance expected and the evaluation criteria with each employee at the beginning of the rating period. Supervisors should document this discussion in the prescribed manner.

Assessment of an employee's job performance is an ongoing process. Continued coaching and feedback provides supervisors and employees with opportunities to correct performance issues as they arise.

Non-probationary employees demonstrating substandard performance shall be notified in writing of such performance as soon as possible in order to have an opportunity to remediate the issues. Such notification should occur at the earliest opportunity, with the goal being a minimum of 90 days written notice prior to the end of the annual evaluation period.



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Employees who disagree with their evaluation and who desire to provide a formal response or a rebuttal may do so in writing in the prescribed format and time period.

#### **1001.4 EVALUATION FREQUENCY**

Employees are evaluated based on the following chart:

Position	Evaluated Every Month	Evaluated Yearly	Length of Probation
Probationary Sworn Employees	X		1 Year
Non-Probationary Sworn Employees		X	
Probationary Civilian Employees	X		1 Year
Non-Probationary, Civilian Employees		X	

##### 1001.4.1 AUXILIARY AND RESERVE OFFICERS EVALUATIONS

Auxiliary and reserve officer evaluations are covered in the Reserve and Auxiliary Officers Policy.

##### 1001.4.2 VOLUNTEER EVALUATIONS

Volunteer evaluations are covered in the Volunteers Policy.

#### **1001.5 FULL-TIME PROBATIONARY PERSONNEL**

Personnel must successfully complete the probationary period before being eligible for certification as regular employees. An evaluation will be completed monthly for all full-time civilian personnel during the probationary period. Probationary sworn personnel are evaluated daily, weekly and monthly during the probationary period.

#### **1001.6 FULL-TIME REGULAR STATUS PERSONNEL**

Regular employees are subject to three types of performance evaluations:

**Regular** - An employee performance evaluation shall be completed once each year by the employee's immediate supervisor on or near the anniversary of the employee's date of hire, except for employees who have been promoted, in which case an employee performance evaluation shall be completed on the anniversary of the employee's date of last promotion.

**Transfer** - If an employee is transferred from one assignment to another in the middle of an evaluation period and less than six months have transpired since the transfer, an evaluation shall be completed by the current supervisor with input from the previous supervisor.

**Special** - A special evaluation may be completed anytime the rater or the rater's supervisor determines one is necessary due to employee performance that is deemed less than standard. Generally, the special evaluation will be the tool used to demonstrate those areas of performance deemed less than standard when follow-up action is planned (e.g., action plan, remedial training,

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retraining). The evaluation form and the attached documentation shall be submitted as one package.

##### 1001.6.1 RATINGS

The definition of each rating category is as follows:

**Outstanding** - Actual performance that is well beyond that required for the position. It is exceptional performance, definitely superior or extraordinary.

**Exceeds standards** - Represents performance that is better than expected of a fully competent employee. It is superior to what is expected but is not of such rare nature to warrant outstanding.

**Meets standards** - Performance of a fully competent employee. It means satisfactory performance that meets the standards required of the position.

**Needs improvement** - A level of performance less than that expected of a fully competent employee and less than the standards required of the position. A needs-improvement rating must be thoroughly discussed with the employee.

**Unsatisfactory** - Performance is inferior to the standards required of the position. It is very inadequate or undesirable performance that cannot be tolerated.

Space for written comments is provided at the end of the evaluation in the rater comments section. This section allows the rater to document the employee's strengths, weaknesses and suggestions for improvement. Any rating under any job dimension marked unsatisfactory or outstanding shall be substantiated in the rater comments section.

##### **1001.7 EVALUATION INTERVIEW**

When the supervisor has completed the preliminary evaluation, arrangements shall be made for a private discussion of the evaluation with the employee. The supervisor should discuss the results of the recently completed rating period and clarify any questions the employee may have. If the employee has valid and reasonable protests of any of the ratings, the supervisor may make appropriate changes to the evaluation. Areas needing improvement and goals for reaching the expected level of performance should be identified and discussed. The supervisor should also provide relevant counseling regarding advancement, specialty positions and training opportunities. The supervisor and employee will sign and date the evaluation. Employees may also write comments in the employee comments section of the performance evaluation report.

##### **1001.8 EVALUATION REVIEW**

After the supervisor finishes the discussion with the employee, the signed performance evaluation is forwarded to the Sergeant. The Sergeant shall review the evaluation for fairness, impartiality, uniformity and consistency. The Sergeant shall use the quality of performance ratings prepared as a factor to evaluate the supervisor.

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### **1001.9 EVALUATION DISTRIBUTION**

The original performance evaluation shall be maintained in the employee's personnel file in the office of the Chief of Police until one year after the employee terminates employment. A copy will be given to the employee.

## Special Assignments and Promotions

### 1002.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for promotions and for making special assignments within the Mount Healthy Police Department.

### 1002.2 PROMOTIONAL REQUIREMENTS

Requirements and information regarding any promotional process are available at the Mt. Healthy Personnel Department.

#### 1002.2.1 AGENCY ROLE, AUTHORITY AND RESPONSIBILITY

The Chief of Police or designee, in conjunction with the City of Mount Healthy Civil Service Commission shall be responsible for the promotional process for sworn personnel for the Police Department.

The Mount Healthy Police Department may contract with an outside entity for the administration of all sworn promotional processes in the department. For each promotional process or assessment center, candidates will be provided information on the behavioral dimensions used to evaluate the candidates and the structure of any written test, or oral interview, if utilized. A comprehensive description of the process will be provided to each candidate, to include: dates, times, and testing location for each element of the process.

The Chief of Police is vested with the ultimate authority and responsibility for administering the Mount Healthy Police Departmental promotional process for sworn personnel. The civil service commission is responsible for coordinating the promotional process administered to candidates in sworn positions.

Civilian positions within the Police Department do not participate in a promotion process. Civilian personnel wishing to move into a different position within the department or city government are required to apply for open positions through the City of Mount Healthy Administration.

### 1002.3 POLICY

The Mount Healthy Police Department determines assignments and promotions in a non-discriminatory manner based upon job-related factors and candidate skills and qualifications. Assignments and promotions are made by the Chief of Police.

### 1002.4 SPECIAL ASSIGNMENT POSITIONS

The following positions are considered special assignments and not promotions:

- (a) Hamilton County Police Association Special Weapons and Tactics Team member
- (b) Investigator
- (c) Motorcycle officer
- (d) Bicycle Patrol officer
- (e) Canine handler

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- (f) Collision investigator
- (g) Field Training Officer
- (h) Community Relations/Training Officer
- (i) School Resource and/or Drug Abuse Resistance Education (D.A.R.E.) officer
- (j) Court Officer

#### 1002.4.1 GENERAL REQUIREMENTS

The following requirements should be considered when selecting a candidate for a special assignment:

- (a) Three years of relevant experience
- (b) Off probation
- (c) Possession of or ability to obtain any certification required by the Ohio Peace Officer Training Commission (OPOTC) or law
- (d) Exceptional skills, experience, or abilities related to the special assignment

#### 1002.4.2 EVALUATION CRITERIA

The following criteria will be used in evaluating candidates for a special assignment:

- (a) Presents a professional, neat appearance.
- (b) Maintains a physical condition that aids in his/her performance.
- (c) Expressed an interest in the assignment.
- (d) Demonstrates the following traits:
  - 1. Emotional stability and maturity
  - 2. Stress tolerance
  - 3. Sound judgment and decision-making
  - 4. Personal integrity and ethical conduct
  - 5. Leadership skills
  - 6. Initiative
  - 7. Adaptability and flexibility
  - 8. Ability to conform to department goals and objectives in a positive manner

#### 1002.4.3 SELECTION PROCESS

The selection process for special assignments will include an administrative evaluation as determined by the Chief of Police to include:

- (a) Supervisor recommendations - Each supervisor who has supervised or otherwise been involved with the candidate will submit a recommendation.
  - 1. The supervisor recommendations will be submitted to the [Police Chief].

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## *Special Assignments and Promotions*

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- (b) Police Chief interview - The Police Chief will schedule interviews with each candidate.
  - 1. Based on supervisor recommendations and those of the after the interview, the Police Chief will make the selection. Chief of Police

The selection process for all special assignment positions may be waived for temporary assignments, emergency situations, training, and at the discretion of the Chief of Police.

## Grievance Procedures

### 1003.1 PURPOSE AND SCOPE

It is the policy of this department that all grievances be handled quickly and fairly without discrimination against employees who file a grievance. The Department's philosophy is to promote free verbal communication between employees and supervisors.

#### 1003.1.1 GRIEVANCE DEFINED

A grievance is defined as an allegation by a bargaining unit employee that there has been a breach, misinterpretation, or improper application of the Collective Agreement.

- The employee collective bargaining agreement
- This Policy Manual
- City rules and regulations covering personnel practices or working conditions

A grievance may be filed by any member of the bargaining unit. Where a group of bargaining unit members desires to file a grievance involving a situation affecting more than one member of the bargaining unit in a similar manner, one member selected by such a group shall process the grievance. Such a grievance shall be defined as a group grievance. The names of each member, if practical on behalf of which the grievance is filed, shall be made available at the first hearing. Group grievances shall be presented in the first instance to the supervisor common to all employees in the group.

Specifically excluded from the category of grievances are:

- (a) Complaints related to alleged acts of sexual, racial, ethnic or other forms of unlawful harassment.
- (b) Complaints related to allegations of discrimination on the basis of gender, race, religion, ethnic background and other lawfully protected status or activity that are subject to the complaint options set forth in the Discriminatory Harassment Policy.
- (c) Complaints related to state workers' compensation.
- (d) Personnel complaints consisting of any allegation of misconduct or improper job performance against any department employee that, if true, would constitute a violation of department policy, federal, state or local law set forth in the Personnel Complaint Procedure Policy.

### 1003.2 GRIEVANCE PROCEDURE

All grievances must be processed and answered at the proper step in the grievance progression to be considered at the next step. Any grievance that is not timely appealed to the next step of the procedure will be deemed to have been settled on the basis of the Employer's answer at the last completed step.

Time limits set forth herein may only be extended by a mutual agreement of the parties. The aggrieved may withdraw a grievance at any point by submitting, in writing, a statement to that

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effect, or by permitting the time requirements at any step to lapse without further appeal. Any grievance not answered by the Employer or his designee within the stipulated time limits shall be considered to have been appealed to the next step in the grievance procedure.

Within ten (10) calendar days of the incident or knowledge of the incident, but in no case later than forty-five (45) calendar days from the actual fact, which gave rise to the grievance, the aggrieved employee shall notify the Chief of Police in writing of the grievance. The Police Chief shall investigate the matter and respond to the grievant within ten (10) calendar days of the initial notification.

Written grievances must be filed on the form provided by the Mt. Healthy Police Association and shall contain, but not be limited to, the following information.

- (a) Date and time grievance occurred;
- (b) Description of incident giving rise to the grievance;
- (c) Articles and sections of the Agreement involved;
- (d) Relief requested; and
- (e) Signature of the employee.

Disciplinary grievances involving suspension or discharge are to be appealed directly to Step 2 of the grievance procedure as specified in Section 14.6. All other grievances related to disciplinary action are to be filed at Step 1.

#### **1003.3 PROCEDURAL STEPS**

The following steps shall be followed in the processing of a grievance:

- I. All grievances must be reduced to writing on a form provided by the Fraternal Order of Police, Ohio Labor Council, Inc., and filed in person, when possible, with the Police Chief. When it is not possible to file in person with the Police Chief, the grievant shall file the grievance with the Supervisor on Duty, Police Clerk, or person performing the duties of the Police Clerk for the purpose of the grievance to be "time stamped" as proof of filing. The Supervisor, Police Clerk or person performing the duties of the Police Clerk shall forward the grievance to the Police Chief. If the Supervisor, Police Clerk or person performing the duties of the Police Clerk delays or fails to forward the grievance to the Police Chief, the grievant shall not be held responsible and the time limit (below) shall start at the time the grievance is received/"time stamped". A copy of the "time stamped" grievance shall be provided to the grievant at the time it is filed.

The Police Chief shall investigate the matter and respond to the grievant within fourteen (14) calendar days of the initial notification. The Police Chief, as opposed to one of the Police Chief's subordinates (i.e. Sergeant), is the decision maker for the Step 1 response.

- II. A grievance unresolved at Step 1 may be submitted by the grievant to the City Manager within fourteen (14) calendar days from receipt of the Step 1 answer. The City Manager, within fourteen (14) calendar days of receipt of the grievance, shall schedule and hold a meeting with the grievant and his Mt. Healthy Police Association or Fraternal Order of Police, Ohio Labor Council, Inc. representative. The City Manager



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shall issue his written response to the grievance within fourteen (14) calendar days of the meeting.

Grievances unresolved at Step 2 may be submitted to arbitration upon request of the Mt. Healthy Police Association as represented by the Fraternal Order of Police, Ohio Labor Council, Inc. in accordance with Section 14. 7 of this Article.

The Mt. Healthy Police Association as represented by the Fraternal Order of Police, Ohio Labor Council, Inc., based upon the facts presented, has the right to decide whether to arbitrate a grievance. Within thirty (30) calendar days from the date of the final answer on a grievance from Step 3, the Mt. Healthy Police Association shall notify the Employer, in writing of its intent to seek arbitration of an unresolved grievance.

The parties shall attempt to draft an agreed upon submission statement. If the parties are unable to agree upon a submission statement, the arbitrator shall frame the issue or issues to be decided.

The Employer's representative shall notify the Mt. Healthy Police Association as represented by the Fraternal Order of Police, Ohio Labor Council, Inc. of any question of arbitrability, and of its intent to raise the question at the arbitration hearing.

After receipt of a request to arbitrate, a representative of each party (Mt. Healthy Police Association and Employer as represented by the Fraternal Order of Police, Ohio Labor Council, Inc.) shall select an arbitrator in the following manner:

The Federal Mediation and Conciliation Service (FMCS) shall be jointly requested to submit a panel list of seven (7) arbitrators from FMCS area# 15 (OHIO). The parties shall alternately strike the names of the arbitrators, until only one name remains. Either party may once reject the list and request from the FMCS another list of seven (7) names until a mutually agreed arbitrator is selected. The party rejecting and requesting subsequent list(s) is responsible for any cost incurred to obtain subsequent list.

The arbitrator shall limit his decisions strictly to the interpretation, application, or enforcement of the specific Articles and Sections of this Agreement, and shall be without power or authority to make any decision:

1. Contrary to, or inconsistent with, or modifying or varying in any way the terms of this Agreement or applicable laws;
2. Contrary to, or inconsistent with, changing, altering, limiting, or modifying any practice, policy, rules or regulations, established by the Employer so long as such practice, policy, or regulations do not conflict with this Agreement.

The Arbitrator shall be without authority to recommend any right of relief on an alleged grievance occurring at any time other than the contract period in which such right originated or make any award based on rights arising under any previous Agreement, grievance or practices. The arbitrator shall not establish any new or different wage rates not negotiated as part of this Agreement. In the event of a monetary award, the arbitrator

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shall limit any retroactive settlement to the date the grievance was presented to the Employer in Step 1 of the grievance procedure.

The decision of the arbitrator shall be final and binding on the grievant, the Mt. Healthy Police Association, and the Employer. The arbitrator shall be requested to issue his decision within thirty (30) calendar days after the conclusion of testimony and argument or submission of final briefs.

The cost and fees of the arbitrator shall be borne equally by the parties. The expense of any non-employee witness shall be borne, if any, by the party calling them. The fees of the court reporter shall be paid by the party asking for one: such fees shall be split equally if both parties desire a reporter, or request a copy of any transcripts. Any bargaining unit member whose attendance is required for such hearings shall not lose pay or benefits to the extent such hearing hours are during scheduled working hours on the day of the hearing. Any cancellation fee charged by the arbitrator shall be borne by the party (or parties) canceling the hearing.

Disciplinary actions of Letter of Counseling and Written Reprimand may be appealed through the grievance procedure, but are not subject to the arbitration procedure.

#### **1003.4 EMPLOYEE REPRESENTATION**

Employees are entitled to have representation during the grievance process. The representative may be selected by the employee from the appropriate employee bargaining group.

#### **1003.5 PUNITIVE ACTION**

At no time will punitive action be taken against an employee for exercising any rights during the grievance procedure.

#### **1003.6 GRIEVANCE RECORDS**

At the conclusion of the grievance process, all documents pertaining to the process shall be forwarded to Administration for inclusion into a secure file for all written grievances. A second copy of the written grievance will be maintained by the City Manager's office to monitor the grievance process.

#### **1003.7 GRIEVANCE AUDITS**

The Police Chief shall perform an annual audit of all grievances filed the previous calendar year to evaluate whether any policy/procedure changes or training may be appropriate to avoid future filings of grievances. The Police Chief shall record these findings in a memorandum to the Chief of Police without including any identifying information from any individual grievance. If the audit identifies any recommended changes or content that may warrant a critical revision to this Policy Manual, the Police Chief should promptly notify the Chief of Police.

## Anti-Retaliation

### 1004.1 PURPOSE AND SCOPE

This policy prohibits retaliation against members who identify workplace issues, such as fraud, waste, abuse of authority, gross mismanagement or any inappropriate conduct or practices, including violations that may pose a threat to the health, safety or well-being of members.

This policy does not prohibit actions taken for nondiscriminatory or non-retaliatory reasons, such as discipline for cause.

These guidelines are intended to supplement and not limit members' access to other applicable remedies. Nothing in this policy shall diminish the rights or remedies of a member pursuant to any applicable federal law, provision of the U.S. Constitution, law, ordinance or collective bargaining agreement.

### 1004.2 POLICY

The Mount Healthy Police Department has a zero tolerance for retaliation and is committed to taking reasonable steps to protect from retaliation members who, in good faith, engage in permitted behavior or who report or participate in the reporting or investigation of workplace issues. All complaints of retaliation will be taken seriously and will be promptly and appropriately investigated.

### 1004.3 RETALIATION PROHIBITED

No member may retaliate against any person for engaging in lawful or otherwise permitted behavior; for opposing a practice believed to be unlawful, unethical, discriminatory or retaliatory; for reporting or making a complaint under this policy; or for participating in any investigation related to a complaint under this or any other policy.

Retaliation includes any adverse action or conduct, including but not limited to:

- Refusing to hire or denying a promotion.
- Extending the probationary period.
- Unjustified reassignment of duties or change of work schedule.
- Real or implied threats or other forms of intimidation to dissuade the reporting of wrongdoing or filing of a complaint, or as a consequence of having reported or participated in protected activity.
- Taking unwarranted disciplinary action.
- Spreading rumors about the person filing the complaint or about the alleged wrongdoing.
- Shunning or unreasonably avoiding a person because he/she has engaged in protected activity.

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#### *Anti-Retaliation*

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#### **1004.4 COMPLAINTS OF RETALIATION**

Any member who feels he/she has been retaliated against in violation of this policy should promptly report the matter to any supervisor, Chief of Police or the the City Manager

Members shall act in good faith, not engage in unwarranted reporting of trivial or minor deviations or transgressions, and make reasonable efforts to verify facts before making any complaint in order to avoid baseless allegations. Members shall not report or state an intention to report information or an allegation knowing it to be false, with willful or reckless disregard for the truth or falsity of the information or otherwise act in bad faith.

Investigations are generally more effective when the identity of the reporting member is known, thereby allowing investigators to obtain additional information from the reporting member. However, complaints may be made anonymously. All reasonable efforts shall be made to protect the reporting member's identity. However, confidential information may be disclosed to the extent required by law or to the degree necessary to conduct an adequate investigation and make a determination regarding a complaint. In some situations, the investigative process may not be complete unless the source of the information and a statement by the member is part of the investigative process.

#### **1004.5 SUPERVISOR RESPONSIBILITIES**

Supervisors are expected to remain familiar with this policy and ensure that members under their command are aware of its provisions.

The responsibilities of supervisors include, but are not limited to:

- (a) Ensuring complaints of retaliation are investigated as provided in the Personnel Complaints Policy.
- (b) Receiving all complaints in a fair and impartial manner.
- (c) Documenting the complaint and any steps taken to resolve the problem.
- (d) Acknowledging receipt of the complaint, notifying the Chief of Police via the chain of command and explaining to the member how the complaint will be handled.
- (e) Taking appropriate and reasonable steps to mitigate any further violations of this policy.
- (f) Monitoring the work environment to ensure that any member making a complaint is not subjected to further retaliation.
- (g) Periodic follow-up with the complainant to ensure that retaliation is not continuing.
- (h) Not interfering with or denying the right of a member to make any complaint.
- (i) Taking reasonable steps to accommodate requests for assignment or schedule changes made by a member who may be the target of retaliation if it would likely mitigate the potential for further violations of this policy.

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##### **1004.6 COMMAND STAFF RESPONSIBILITIES**

The Chief of Police should communicate to all supervisors the prohibition against retaliation.

Command staff shall treat all complaints as serious matters and shall ensure that prompt actions take place, including but not limited to:

- (a) Communicating to all members the prohibition against retaliation.
- (b) The timely review of complaint investigations.
- (c) Remediation of any inappropriate conduct or condition and instituting measures to eliminate or minimize the likelihood of recurrence.
- (d) The timely communication of the outcome to the complainant.

##### **1004.7 WHISTLE-BLOWING**

Ohio law protects employees who report violations of a state or federal statute, an ordinance or regulation of the City, or department policy when there is a reasonable belief that the violation is one of the following (ORC § 4113.52):

- (a) A criminal offense that is likely to create an imminent risk of physical harm to persons or a hazard to public health or safety
- (b) A felony
- (c) An improper solicitation for contribution
- (d) Fraud or misuse of public resources (ORC § 124.341)

Members who believe they have been the subject of retaliation for engaging in such protected behaviors should promptly report it to a supervisor. Supervisors should refer the complaint to the Police Chief for investigation pursuant to the Personnel Complaints Policy.

##### **1004.8 RECORDS RETENTION AND RELEASE**

The Police Clerk shall ensure that documentation of investigations is maintained in accordance with the established records retention schedules.

##### **1004.9 TRAINING**

The policy should be reviewed with each new member.

All members should receive periodic refresher training on the requirements of this policy.

# Reporting of Employee Convictions

## 1005.1 PURPOSE AND SCOPE

Convictions of certain offenses may restrict or prohibit an employee's ability to properly perform official duties. Therefore, all employees shall be required to promptly notify the Department of any past and current criminal convictions.

## 1005.2 DOMESTIC VIOLENCE CONVICTIONS AND RESTRAINING ORDERS

Ohio and federal law prohibit individuals convicted of certain offenses and individuals subject to certain court orders from 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).

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.

## 1005.3 CRIMINAL ARRESTS

Any sworn employee shall promptly notify his/her immediate supervisor in writing if a firearm used by the employee as part of his/her assigned duties has been confiscated as a result of involvement in a crime and/or domestic violence incident (see Domestic Violence Policy Firearms section).

## 1005.4 CRIMINAL CONVICTIONS

Any person convicted of a felony is prohibited from being a peace officer in the State of Ohio (see generally ORC § 737.052 and ORC § 737.162).

Even when legal restrictions are not imposed by statute or by the courts upon conviction of any criminal offense, criminal conduct by a member of this department may prohibit him/her from carrying out law enforcement duties.

- (a) State law prohibits any person convicted of a felony, a fugitive from justice, an unlawful user or addict of any controlled substance, a person who is mentally ill or illegally in the United States from possessing a firearm.
- (b) If a person is convicted of a crime involving family violence or stalking or is currently subject to a restraining order, injunction or other order for protection against domestic violence, it may be unlawful for the person to carry a concealed weapon.

### 1005.4.1 COURT ORDERS

All employees shall promptly notify the department if they are part of any court order. Court orders or failure to comply with certain subpoenas or warrants may require suspension of their peace officer certification.

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## *Reporting of Employee Convictions*

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### **1005.5 REPORTING PROCEDURE**

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 the matter is currently on appeal and regardless of the penalty or sentence, if any.

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.

Any member whose criminal conviction unduly restricts or prohibits that member from fully and properly performing his/her duties may be disciplined including, but not limited to, being placed on paid or unpaid administrative leave, reassignment and/or termination.

Any member failing to provide prompt written notice pursuant to this policy shall be subject to discipline.

## Drug- and Alcohol-Free Workplace

### 1006.1 PURPOSE AND SCOPE

The purpose of this policy is to establish clear and uniform guidelines regarding drugs and alcohol in the workplace. See Related Chief General Order #10-2015 for additional policy.

### 1006.2 POLICY

It is the policy of this department to provide a drug- and alcohol-free workplace for all members.

### 1006.3 GENERAL GUIDELINES

Alcohol and drug use in the workplace or on department time can endanger the health and safety of department members and the public.

Members who have consumed an amount of an alcoholic beverage or taken any medication, or combination thereof, that would tend to adversely affect their mental or physical abilities shall not report for duty. Affected members shall notify the Shift Supervisor or appropriate supervisor as soon as the member is aware that the member will not be able to report to work. If the member is unable to make the notification, every effort should be made to have a representative contact the supervisor in a timely manner. If the member is adversely affected while on-duty, the member shall be immediately removed and released from work (see the Work Restrictions section in this policy).

#### 1006.3.1 USE OF MEDICATIONS

Members should avoid taking any medications that will impair their ability to safely and completely perform their duties. Any member who is medically required or has a need to take any such medication shall report that need to his/her immediate supervisor prior to commencing any on-duty status.

No member shall be permitted to work or drive a vehicle owned or leased by the Department while taking any medication that has the potential to impair his/her abilities, without a written release from his/her physician.

#### 1006.3.2 MEDICAL CANNABIS

Possession, use, or being under the influence of medical cannabis on-duty is prohibited and may lead to disciplinary action.

### 1006.4 MEMBER RESPONSIBILITIES

Members shall report for work in an appropriate mental and physical condition. Members are prohibited from purchasing, manufacturing, distributing, dispensing, possessing, or using controlled substances or alcohol on department premises or on department time (41 USC § 8103). The lawful possession or use of prescribed medications or over-the-counter remedies is excluded from this prohibition.

Members who are authorized to consume alcohol as part of a special assignment shall not do so to the extent of impairing on-duty performance.



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Members shall notify a supervisor immediately if they observe behavior or other evidence that they believe demonstrates that a fellow member is impaired due to drug or alcohol use.

Members are required to notify their immediate supervisors of any criminal drug statute conviction for a violation occurring in the workplace no later than five days after such conviction (41 USC § 8103).

#### **1006.5 EMPLOYEE ASSISTANCE PROGRAM**

There may be available a voluntary employee assistance program to assist those who wish to seek help for alcohol and drug problems (41 USC § 8103). Insurance coverage that provides treatment for drug and alcohol abuse also may be available. Employees should contact the Personnel Department, their insurance providers or the employee assistance program for additional information. It is the responsibility of each employee to seek assistance before alcohol or drug problems lead to performance problems.

#### **1006.6 WORK RESTRICTIONS**

If a member informs a supervisor that he/she has consumed any alcohol, drug or medication that could interfere with a safe and efficient job performance, the member may be required to obtain clearance from his/her physician before continuing to work.

If the supervisor reasonably believes, based on objective facts, that a member is impaired by the consumption of alcohol or other drugs, the supervisor shall prevent the member from continuing work and shall ensure that he/she is safely transported away from the Department.

#### **1006.7 SCREENING TESTS**

A supervisor may require an employee to submit to a screening test under any of the following circumstances:

- (a) The supervisor reasonably believes, based upon objective facts, that the employee is under the influence of alcohol or drugs that are impairing the employee's ability to perform duties safely and efficiently.
- (b) The employee discharges a firearm in the performance of the employee's duties (excluding training or authorized euthanizing of an animal).
- (c) The employee discharges a firearm issued by the Department while off-duty, resulting in injury, death, or substantial property damage.
- (d) The employee drives a motor vehicle in the performance of the employee's duties and becomes involved in an incident that results in bodily injury, death, or substantial damage to property.

##### **1006.7.1 SUPERVISOR RESPONSIBILITIES**

The supervisor shall prepare a written record documenting the specific facts that led to the decision to require the test, and shall inform the employee in writing of the following:

- (a) The test will be given to detect either alcohol or drugs, or both.

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- (b) The result of the test is not admissible in any criminal proceeding against the employee.
- (c) The employee may refuse the test, but refusal may result in dismissal or other disciplinary action.

#### 1006.7.2 DISCIPLINE

An employee may be subject to disciplinary action if the employee:

- (a) Fails or refuses to submit to a screening test.
- (b) After taking a screening test that indicates the presence of a controlled substance, fails to provide proof, within 72 hours after being requested, that the employee took the controlled substance as directed, pursuant to a current and lawful prescription issued in the employee's name.

#### **1006.8 COMPLIANCE WITH THE DRUG-FREE WORKPLACE ACT**

No later than 30 days following notice of any drug statute conviction for a violation occurring in the workplace involving a member, the Department will take appropriate disciplinary action, up to and including dismissal, and/or requiring the member to satisfactorily participate in a drug abuse assistance or rehabilitation program (41 USC § 8104).

#### **1006.9 CONFIDENTIALITY**

The Department recognizes the confidentiality and privacy due to its members. Disclosure of any information relating to substance abuse treatment, except on a need-to-know basis, shall only be with the express written consent of the member involved or pursuant to lawful process.

The written results of any screening tests and all documents generated by the employee assistance program are considered confidential medical records and shall be maintained in the member's confidential medical file in accordance with the Personnel Records Policy.

## Sick Leave

### 1007.1 PURPOSE AND SCOPE

This policy provides general guidance regarding the use and processing of sick leave. The accrual and terms of use of sick leave for eligible employees are detailed in the City personnel manual or applicable collective bargaining agreement.

This policy is not intended to cover all types of sick or other leaves. For example, employees may be entitled to additional paid or unpaid leave for certain family and medical reasons as provided for in the Family and Medical Leave Act (FMLA) and state law (29 USC § 2601 et seq.; ORC § 124.38 et seq.).

### 1007.2 POLICY

It is the policy of the Mount Healthy Police Department to provide eligible employees with a sick leave benefit.

### 1007.3 USE OF SICK LEAVE

Sick leave is intended to be used for qualified absences. Sick leave is not considered vacation. Abuse of sick leave may result in discipline, denial of sick leave benefits, or both.

Employees on sick leave shall not participate in any sport, hobby, recreational activity, or other activity that may impede recovery from the injury or illness or engage in any other employment or self-employment (see the Outside Employment Policy).

Qualified appointments should be scheduled during a member's non-working hours when it is reasonable to do so.

#### 1007.3.1 NOTIFICATION

All members should notify the Shift Supervisor or appropriate supervisor as soon as they are aware that they will not be able to report to work and no less than one hour before the start of their scheduled shifts. If, due to an emergency, a member is unable to contact the supervisor, every effort should be made to have a representative for the member contact the supervisor.

When the necessity to be absent from work is foreseeable, such as planned medical appointments or treatments, the member shall, whenever possible and practicable, provide the Department with no less than 30 days' notice of the impending absence.

Upon return to work, members are responsible for ensuring their time off was appropriately accounted for, and for completing and submitting the required documentation describing the type of time off used and the specific amount of time taken.

### 1007.4 EXTENDED ABSENCE

Members absent from duty for more than three consecutive days may be required to furnish a statement from a health care provider supporting the need to be absent and/or the ability to return to work. Members on an extended absence shall, if possible, contact their supervisor at specified intervals to provide an update on their absence and expected date of return.

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Nothing in this section precludes a supervisor from requiring, with cause, a health care provider's statement for an absence of three or fewer days.

#### **1007.5 SUPERVISOR RESPONSIBILITIES**

The responsibilities of supervisors include, but are not limited to:

- (a) Monitoring and regularly reviewing the attendance of those under their command to ensure that the use of sick leave and absences is consistent with this policy.
- (b) Attempting to determine whether an absence of four or more days may qualify as family medical leave and consulting with legal counsel or the Personnel Department as appropriate.
- (c) Addressing absences and sick leave use in the member's performance evaluation when excessive or unusual use has:
  - 1. Negatively affected the member's performance or ability to complete assigned duties.
  - 2. Negatively affected department operations.
- (d) When appropriate, counseling members regarding excessive absences and/or inappropriate use of sick leave.
- (e) Referring eligible members to an available employee assistance program when appropriate.

# Communicable Diseases

## 1008.1 PURPOSE AND SCOPE

This policy provides general guidelines to assist in minimizing the risk of department members contracting and/or spreading communicable diseases. Please see related Mount Healthy Police Chief's General Orders Number 36 for additional policy.

### 1008.1.1 DEFINITIONS

Definitions related to this policy include:

**Communicable disease** - A human disease caused by microorganisms that are present in and transmissible through human blood, bodily fluid, tissue, or by breathing or coughing. These diseases commonly include but are not limited to hepatitis B virus (HBV), HIV, and tuberculosis.

**Exposure** - When an eye, mouth, mucous membrane or non-intact skin comes into contact with blood or other potentially infectious materials, or when these substances are injected or infused under the skin; when an individual is exposed to a person who has a disease that can be passed through the air by talking, sneezing or coughing (i.e., tuberculosis), or the individual is in an area that was occupied by such a person. Exposure only includes those instances that occur due to a member's position at the Mount Healthy Police Department. (See the exposure control plan for further details to assist in identifying whether an exposure has occurred).

## 1008.2 POLICY

The Mount Healthy Police Department is committed to providing a safe work environment for its members. Members should be aware that they are ultimately responsible for their own health and safety.

## 1008.3 EXPOSURE CONTROL OFFICER

The Chief of Police will assign a person as the Exposure Control Officer (ECO). The ECO shall develop an exposure control plan that includes:

- (a) Exposure-prevention and decontamination procedures.
- (b) Procedures for when and how to obtain medical attention in the event of an exposure or suspected exposure.
- (c) The provision that department members will have no-cost access to the appropriate personal protective equipment (PPE) (e.g., gloves, face masks, eye protection, pocket masks) that is appropriate for each member's position and risk of exposure.
- (d) Evaluation of persons in custody for any exposure risk and measures to separate them.
- (e) Compliance with all relevant laws or regulations related to communicable diseases, including:
  1. Responding to requests and notifications regarding exposures covered under the Ryan White law (42 USC § 300ff-133; 42 USC § 300ff 136).

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#### *Communicable Diseases*

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2. Employment risk standards (OAC § 4167-3-03 et seq.).
3. Emergency temporary employment risk standards (OAC § 4167-3-02).
4. Bloodborne pathogen precautions (OAC § 4167-3-05).

The ECO should also act as the liaison with the Ohio Public Employment Risk Reduction Program (PERRP) and may request voluntary compliance inspections. The ECO should periodically review and update the exposure control plan and review implementation of the plan.

#### **1008.4 EXPOSURE PREVENTION AND MITIGATION**

##### 1008.4.1 GENERAL PRECAUTIONS

All members are expected to use good judgment and follow training and procedures related to mitigating the risks associated with communicable disease. This includes but is not limited to:

- (a) Stocking disposable gloves, antiseptic hand cleanser, CPR masks or other specialized equipment in the work area of department vehicles, as applicable.
- (b) Wearing department-approved disposable gloves when contact with blood, other potentially infectious materials, mucous membranes and non-intact skin can be reasonably anticipated.
- (c) Washing hands immediately or as soon as feasible after removal of gloves or other PPE.
- (d) Treating all human blood and bodily fluids/tissue as if it is known to be infectious for a communicable disease.
- (e) Using an appropriate barrier device when providing CPR.
- (f) Using a face mask or shield if it is reasonable to anticipate an exposure to an airborne transmissible disease.
- (g) Decontaminating non-disposable equipment (e.g., flashlight, control devices, clothing, portable radio) as soon as possible if the equipment is a potential source of exposure.
  1. Clothing that has been contaminated by blood or other potentially infectious materials shall be removed immediately or as soon as feasible and stored/decontaminated appropriately.
- (h) Handling all sharps and items that cut or puncture (e.g., needles, broken glass, razors, knives) cautiously and using puncture-resistant containers for their storage and/or transportation.
- (i) Avoiding eating, drinking, or smoking, applying cosmetics or lip balm, or handling contact lenses where there is a reasonable likelihood of exposure.
- (j) Disposing of biohazardous waste appropriately or labeling biohazardous material properly when it is stored.

##### 1008.4.2 IMMUNIZATIONS

Members who could be exposed to HBV due to their positions may receive the HBV vaccine and any routine booster at no cost.

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### **1008.5 POST EXPOSURE**

#### **1008.5.1 INITIAL POST-EXPOSURE STEPS**

Members who experience an exposure or suspected exposure shall:

- (a) Begin decontamination procedures immediately (e.g., wash hands and any other skin with soap and water, flush mucous membranes with water).
- (b) Obtain medical attention as appropriate.
- (c) Notify a supervisor as soon as practical.

#### **1008.5.2 REPORTING REQUIREMENTS**

The supervisor on-duty shall investigate every exposure or suspected exposure that occurs as soon as possible following the incident. The supervisor shall ensure the following information is documented:

- (a) Name of the member exposed
- (b) Date and time of incident
- (c) Location of incident
- (d) The potentially infectious materials involved and the source of exposure (e.g., identification of the person who may have been the source)
- (e) Work being done during exposure
- (f) How the incident occurred or was caused
- (g) PPE in use at the time of the incident
- (h) Actions taken post-event (e.g., cleanup and notifications)

The supervisor shall advise the member that disclosing the identity and/or infectious status of a source to the public or to anyone who is not involved in the follow-up process is prohibited. The supervisor should complete the incident documentation in conjunction with other reporting requirements that may apply (see the Illness and Injury Reporting and the Illness and Injury Prevention policies).

#### **1008.5.3 MEDICAL CONSULTATION, EVALUATION AND TREATMENT**

Department members shall have the opportunity to have a confidential medical evaluation immediately after an exposure and follow-up evaluations as necessary.

The ECO should request a written opinion/evaluation from the treating medical professional that contains only the following information:

- (a) Whether the member has been informed of the results of the evaluation.
- (b) Whether the member has been notified of any medical conditions resulting from exposure to blood or other potentially infectious materials which require further evaluation or treatment.

No other information should be requested or accepted by the ECO.

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##### 1008.5.4 COUNSELING

The Department shall provide the member, and his/her family if necessary, the opportunity for counseling and consultation regarding the exposure.

##### 1008.5.5 SOURCE TESTING

Testing a person for communicable diseases when that person was the source of an exposure should be done when it is desired by the exposed member or when it is otherwise appropriate. Source testing is the responsibility of the ECO. If the ECO is unavailable to seek timely testing of the source, it is the responsibility of the exposed member's supervisor to ensure testing is sought.

Source testing may be achieved by:

- (a) Obtaining consent from the individual.
- (b) Submitting a complaint to compel testing under ORC § 3701.247.
- (c) Requesting notification from a medical facility under ORC § 3701.248.

Since there is the potential for overlap between the different manners in which source testing may occur, the ECO is responsible for coordinating the testing to prevent unnecessary or duplicate testing.

The ECO should seek the consent of the individual for testing and consult the City Attorney to discuss other options when no statute exists for compelling the source of an exposure to undergo testing if he/she refuses.

#### **1008.6 CONFIDENTIALITY OF REPORTS**

Medical information shall remain in confidential files and shall not be disclosed to anyone without the member's written consent (except as required by law). Test results from persons who may have been the source of an exposure are to be kept confidential as well.

#### **1008.7 TRAINING**

All members shall participate in training regarding communicable diseases commensurate with the requirements of their position. The training:

- (a) Should be provided at the time of initial assignment to tasks where an occupational exposure may take place and at least annually after the initial training.
- (b) Should be provided whenever the member is assigned new tasks or procedures affecting his/her potential exposure to communicable disease.
- (c) Should provide guidance on what constitutes an exposure, what steps can be taken to avoid an exposure and what steps should be taken if a suspected exposure occurs.



## Smoking and Tobacco Use

### 1009.1 PURPOSE AND SCOPE

This policy establishes limitations on smoking and the use of tobacco products by members and others while on-duty or while in Mount Healthy Police Department facilities or vehicles.

For the purposes of this policy, smoking and tobacco use includes, but is not limited to, any tobacco product, such as cigarettes, cigars, pipe tobacco, snuff, tobacco pouches and chewing tobacco, as well as any device intended to simulate smoking, such as an electronic cigarette or personal vaporizer.

### 1009.2 POLICY

The Mount Healthy Police Department recognizes that tobacco use is a health risk and can be offensive to others.

Smoking and tobacco use also presents an unprofessional image for the Department and its members. Therefore smoking and tobacco use is prohibited by members and visitors in all department facilities, buildings and vehicles, and as is further outlined in this policy (ORC § 3794.02).

### 1009.3 SMOKING AND TOBACCO USE

Smoking and tobacco use by members is prohibited anytime members are in public view representing the Mount Healthy Police Department.

It shall be the responsibility of each member to ensure that no person under his/her supervision smokes or uses any tobacco product inside City facilities and vehicles.

### 1009.4 ADDITIONAL PROHIBITIONS

Members shall not be allowed to smoke in areas of ingress or egress to any department facility (ORC § 3794.02).

#### 1009.4.1 NOTICE

The Chief of Police or the authorized designee shall ensure that proper signage is in place to provide notice of restricted tobacco use areas (ORC § 3794.06).

## Personnel Complaints

### 1010.1 PURPOSE AND SCOPE

This policy provides guidelines for the reporting, investigation and disposition of complaints regarding the conduct of members of the Mount Healthy Police Department. This policy shall not apply to any questioning, counseling, instruction, informal verbal admonishment or other routine or unplanned contact of a member in the normal course of duty, by a supervisor or any other member, nor shall this policy apply to a criminal investigation. Every effort will be made to complete investigations within 30 days of receipt. Complainants will be notified in writing of the findings of the investigation.

### 1010.2 POLICY

The Mount Healthy Police Department takes seriously all complaints regarding the service provided by the Department and the conduct of its members.

The Department will accept and address all complaints of misconduct in accordance with this policy and applicable federal, state and local law, municipal and county rules and the requirements of any collective bargaining agreements.

It is also the policy of this department to ensure that the community can report misconduct without concern for reprisal or retaliation.

### 1010.3 PERSONNEL COMPLAINTS

Personnel complaints include any allegation of misconduct or improper job performance that, if true, would constitute a violation of department policy or of federal, state or local law, policy or rule. Personnel complaints may be generated internally or by the public.

Inquiries about conduct or performance that, if true, would not violate department policy or federal, state or local law, policy or rule may be handled informally by a supervisor and shall not be considered a personnel complaint. Such inquiries generally include clarification regarding policy, procedures or the response to specific incidents by the Department.

#### 1010.3.1 COMPLAINT CLASSIFICATIONS

Personnel complaints shall be classified in one of the following categories:

**Informal** - A matter in which the Police Chief is satisfied that appropriate action has been taken by a supervisor.

**Formal** - A matter in which a supervisor determines that further action is warranted. Such complaints may be investigated by a supervisor or referred to by the Police Chief to an internal or 3rd party investigator, depending on the seriousness and complexity of the investigation.

**Incomplete** - A matter in which the complaining party either refuses to cooperate or becomes unavailable after diligent follow-up investigation. At the discretion of the assigned supervisor or Police Chief, such matters may be further investigated depending on the seriousness of the complaint and the availability of sufficient information.

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##### 1010.3.2 SOURCES OF COMPLAINTS

The following applies to the source of complaints:

- (a) Individuals from the public may make complaints in any form, including in writing, by email, in person or by telephone.
- (b) Any department member becoming aware of alleged misconduct shall immediately notify a supervisor.
- (c) Supervisors shall initiate a complaint based upon observed misconduct or receipt from any source alleging misconduct that, if true, could result in disciplinary action.
- (d) Anonymous and third-party complaints should be accepted and investigated to the extent that sufficient information is provided.
- (e) Tort claims and lawsuits may generate a personnel complaint.

##### **1010.4 COMPLAINT/COMMENDATION REGISTERING PROCEDURES**

The purpose of this policy is to require that information be provided to the public concerning procedures to follow to register complaints against or commend the department or its employees.

###### 1010.4.1 COMPLAINT FORMS

Personnel complaint forms will be maintained in a clearly visible location in the public area of the police facility and be accessible through the department website. Forms may also be available at other City facilities.

Personnel complaint forms in languages other than English may also be provided, as determined necessary or practicable.

###### 1010.4.2 ACCEPTANCE

Any member of the Department may accept a citizen's complaint alleging misconduct on the part of a member of the Mt. Healthy Police Department.

Officers will immediately alert the Watch Supervisor or OIC of a complaint involving misconduct on the part of any member of the Mount Healthy Police Department.

Every effort will be made to encourage the citizen making the complaint to memorialize the information in written form. If the citizen is unable or refused to do so, the Department member taking the complaint will prepare a Citizens Complaint form for the complainant detailing the incident. Members will encourage the complaint to provide their name, address, email, and telephone number if possible. If the citizen refuses to provide their identifying information, the complaint will still be accepted and processed. The original copy of the complaint will be scanned and emailed directly to the Police Chief and the Watch Supervisor.

Unless an emergency situation exists, no action will be taken on conducting an investigation of a Citizen's Complaint until a review of the incident is approved and processed by the Police Chief. The Police Chief will assign the case for follow-up investigation. No internal investigation will be conducted without the express approval of the Police Chief. Allegations of misconduct by the Police Chief will be immediately referred to the City Manager.

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All complaints will be courteously accepted by any department member and promptly given to the appropriate supervisor. Although written complaints are preferred, a complaint may also be filed orally, either in person or by telephone. Such complaints will be directed to a supervisor. If a supervisor is not immediately available to take an oral complaint, the receiving member shall obtain contact information sufficient for the supervisor to contact the complainant. The supervisor, upon contact with the complainant, shall complete and submit a complaint form as appropriate.

Although not required, complainants should be encouraged to file complaints in person so that proper identification, signatures, photographs or physical evidence may be obtained as necessary.

#### **1010.5 DOCUMENTATION**

Supervisors shall ensure that all formal and informal complaints are documented on a complaint form. The supervisor shall ensure that the nature of the complaint is defined as clearly as possible.

All complaints and inquiries should also be documented in a log that records and tracks complaints. The log shall include the nature of the complaint and the actions taken to address the complaint. On an annual basis, the Department should audit the log and send an audit report to the Chief of Police or the authorized designee.

#### **1010.6 ADMINISTRATIVE INVESTIGATIONS**

Allegations of misconduct will be administratively investigated as follows.

##### **1010.6.1 SUPERVISOR RESPONSIBILITIES**

In general, the primary responsibility for the investigation of a personnel complaint shall rest with the member's immediate supervisor, unless the supervisor is the complainant, or the supervisor is the ultimate decision-maker regarding disciplinary action or has any personal involvement regarding the alleged misconduct. The Chief of Police or the authorized designee may direct that another supervisor investigate any complaint.

A supervisor who becomes aware of alleged misconduct shall take reasonable steps to prevent aggravation of the situation.

The responsibilities of supervisors include but are not limited to:

- (a) Ensuring that upon receiving or initiating any formal complaint, a complaint form is completed.
  - 1. The original complaint form will be directed to the Shift Supervisor of the accused member, via the chain of command, who will take appropriate action and/or determine who will have responsibility for the investigation.
  - 2. In circumstances where the integrity of the investigation could be jeopardized by reducing the complaint to writing or where the confidentiality of a complainant is at issue, a supervisor shall orally report the matter to the member's Sergeant or the Chief of Police, who will initiate appropriate action.
- (b) Responding to all complaints in a courteous and professional manner.
- (c) Resolving those personnel complaints that can be resolved immediately.

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1. Follow-up contact with the complainant should be made within 24 hours of the Department receiving the complaint.
  2. If the matter is resolved and no further action is required, the supervisor will note the resolution on a complaint form and forward the form to the Shift Supervisor.
- (d) Ensuring that upon receipt of a complaint involving allegations of a potentially serious nature, the Shift Supervisor and Chief of Police are notified via the chain of command as soon as practicable.
- (e) Promptly contacting the Personnel Department and the Shift Supervisor for direction regarding their roles in addressing a complaint that relates to sexual, racial, ethnic or other forms of prohibited harassment or discrimination.
- (f) Forwarding unresolved personnel complaints to the Shift Supervisor, who will determine whether to contact the complainant or assign the complaint for investigation.
- (g) Informing the complainant of the investigator's name and the complaint number within three days after assignment.
- (h) Investigating a complaint as follows:
1. Making reasonable efforts to obtain names, addresses and telephone numbers of witnesses.
  2. When appropriate, ensuring immediate medical attention is provided and photographs of alleged injuries and accessible uninjured areas are taken.
- (i) Ensuring that the procedural rights of the accused member are followed.
- (j) Ensuring interviews of the complainant are generally conducted during reasonable hours.

#### 1010.6.2 ADMINISTRATIVE INVESTIGATION PROCEDURES

Whether conducted by a supervisor or a member designated by the Police Chief, the following applies to employees:

- (a) Interviews of an accused employee shall be conducted during reasonable hours in accordance with the Labor Agreement and City Policies, preferably when the employee is on-duty. If the employee is off-duty, he/she shall be compensated.
- (b) Unless waived by the employee, interviews of an accused employee shall be at the Mount Healthy Police Department or other reasonable and appropriate place.
- (c) Prior to any interview, A written statement of the allegations and the employee's rights and responsibilities relative to the investigation will be issued.
- (d) All interviews should be for a reasonable period and the employee's personal needs should be accommodated.
- (e) No employee should be subjected to offensive or threatening language, nor shall any promises, rewards or other inducements be used to obtain answers.

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- (f) Any employee refusing to answer questions directly related to the investigation may be ordered to answer questions administratively and may be subject to discipline for failing to do so.
  - 1. An employee should be given an order to answer questions in an administrative investigation that might incriminate the employee in a criminal matter only after the employee has been given a *Garrity* advisement. Administrative investigators should consider the impact that compelling a statement from the employee may have on any related criminal investigation and should take reasonable steps to avoid creating any foreseeable conflicts between the two related investigations. This may include conferring with the person in charge of the criminal investigation (e.g., discussion of processes, timing, implications).
  - 2. No information or evidence administratively coerced from an employee may be provided to anyone involved in conducting the criminal investigation or to any prosecutor.
- (g) The interviewer should record all interviews of employees and witnesses. The employee may also record the interview. If the employee has been previously interviewed, a copy of that recorded interview shall be provided to the employee prior to any subsequent interview.
- (h) All employees subjected to interviews that could result in discipline have the right to have an uninvolved representative present during the interview. However, in order to maintain the integrity of each individual's statement, involved employees shall not consult or meet with a representative or attorney collectively or in groups prior to being interviewed.
- (i) All employees shall provide complete and truthful responses to questions posed during interviews.
- (j) No employee may be compelled to submit to a polygraph examination, nor shall any refusal to submit to such examination be mentioned in any investigation.

#### 1010.6.3 ADMINISTRATIVE INVESTIGATION FORMAT

Formal investigations of personnel complaints shall be thorough, complete and essentially follow this format:

**Introduction** - Include the identity of the members, the identity of the assigned investigators, the initial date and source of the complaint.

**Synopsis** - Provide a brief summary of the facts giving rise to the investigation.

**Summary** - List the allegations separately, including applicable policy sections, with a brief summary of the evidence relevant to each allegation. A separate recommended finding should be provided for each allegation.

**Evidence** - Each allegation should be set forth with the details of the evidence applicable to each allegation provided, including comprehensive summaries of member and witness statements. Other evidence related to each allegation should also be detailed in this section.

**Conclusion** - A recommendation regarding further action or disposition should be provided.

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**Exhibits** - A separate list of exhibits (e.g., recordings, photos, documents) should be attached to the report.

#### 1010.6.4 DISPOSITIONS

Each personnel complaint shall be classified with one of the following dispositions:

**Unfounded** - When the investigation discloses that the alleged acts did not occur or did not involve department members. Complaints that are determined to be frivolous will fall within the classification of unfounded.

**Exonerated** - When the investigation discloses that the alleged act occurred but that the act was justified, lawful and/or proper.

**Not sustained** - When the investigation discloses that there is insufficient evidence to sustain the complaint or fully exonerate the member.

**Sustained** - When the investigation discloses sufficient evidence to establish that the act occurred and that it constituted misconduct.

**Sustained Other** - When an investigation discloses misconduct or improper job performance that was not alleged in the original complaint.

#### 1010.6.5 COMPLETION OF INVESTIGATIONS

Every investigator or supervisor assigned to investigate a personnel complaint or other alleged misconduct shall proceed with due diligence in an effort to complete the investigation within 30 days from the date of discovery by an individual authorized to initiate an investigation.

#### 1010.6.6 NOTICE TO COMPLAINANT OF INVESTIGATION STATUS

The member conducting the investigation should provide the complainant with periodic updates on the status of the investigation, as appropriate.

#### 1010.7 ADMINISTRATIVE SEARCHES

Assigned lockers, storage spaces and other areas, including desks, offices and vehicles, may be searched as part of an administrative investigation upon a reasonable suspicion of misconduct.

Such areas may also be searched any time by a supervisor for non-investigative purposes, such as obtaining a needed report, radio or other document or equipment.

#### 1010.8 ADMINISTRATIVE LEAVE

When a complaint of misconduct is of a serious nature, or when circumstances indicate that allowing the accused to continue to work would adversely affect the mission of the Department, the Chief of Police or the authorized designee may temporarily assign an accused employee to administrative leave. Any employee placed on administrative leave:

- (a) May be required to relinquish any department badge, identification, assigned weapons and any other department equipment.

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- (b) Shall be required to continue to comply with all policies and lawful orders of a supervisor.
- (c) May be temporarily reassigned to a different shift, generally a normal business-hours shift, during the investigation. The employee may be required to remain available for contact at all times during such shift, and will report as ordered.

#### 1010.8.1 STATE REPORTING REQUIREMENT

The Chief of Police or the authorized designee shall notify the City Manager in writing of an officer's administrative leave and the cause of the leave (ORC § 737.12).

#### **1010.9 CRIMINAL INVESTIGATION**

Where a member is accused of potential criminal conduct, a separate supervisor or investigator shall be assigned to investigate the criminal allegations apart from any administrative investigation. Any separate administrative investigation may parallel a criminal investigation.

The Chief of Police shall be notified as soon as practicable when a member is accused of criminal conduct. The Chief of Police may request a criminal investigation by an outside law enforcement agency.

A member accused of criminal conduct shall be provided with all rights afforded to a civilian. The member should not be administratively ordered to provide any information in the criminal investigation.

The Mount Healthy Police Department may release information concerning the arrest or detention of any member, including an officer, that has not led to a conviction. No disciplinary action should be taken until an independent administrative investigation is conducted.

#### **1010.10 POST-ADMINISTRATIVE INVESTIGATION PROCEDURES**

Upon completion of a formal investigation, an investigation report should be forwarded to the Chief of Police through the chain of command. Each level of command should review and include their comments in writing before forwarding the report. The Chief of Police may accept or modify any classification or recommendation for disciplinary action.

#### 1010.10.1 CHIEF OF POLICE RESPONSIBILITIES

Upon receipt of any written recommendation for disciplinary action, the Chief of Police shall review the recommendation and all accompanying materials. The Chief of Police may modify any recommendation and/or may return the file to the Sergeant for further investigation or action.

Once the Chief of Police is satisfied that no further investigation or action is required by staff, the Chief of Police shall determine the amount of discipline, if any that should be imposed. In the event disciplinary action is proposed, the Chief of Police shall provide the member with a written notice and the following:

- (a) Access to all of the materials considered by the Chief of Police in recommending the proposed discipline.



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- (b) An opportunity to respond orally or in writing to the Chief of Police within five days of receiving the notice.
  - 1. Upon a showing of good cause by the member, the Chief of Police may grant a reasonable extension of time for the member to respond.
  - 2. If the member elects to respond orally, the presentation shall be recorded by the Department. Upon request, the member shall be provided with a copy of the recording.

Once the member has completed his/her response or if the member has elected to waive any such response, the Chief of Police shall consider all information received in regard to the recommended discipline. The Chief of Police shall render a timely written decision to the member and specify the grounds and reasons for discipline and the effective date of the discipline. Once the Chief of Police has issued a written decision, the discipline shall become effective.

#### 1010.10.2 NOTICE OF FINAL DISPOSITION TO THE COMPLAINANT

The Chief of Police or the authorized designee should ensure that the complainant is notified of the disposition (i.e., sustained, not sustained, exonerated, unfounded) of the complaint.

#### **1010.11 PRE-DISCIPLINE EMPLOYEE RESPONSE**

The pre-discipline process is intended to provide the accused employee with an opportunity to present a written or oral response to the Chief of Police after having had an opportunity to review the supporting materials and prior to imposition of any recommended discipline. The employee shall consider the following:

- (a) The response is not intended to be an adversarial or formal hearing.
- (b) Although the employee may be represented by an uninvolved representative or legal counsel, the response is not designed to accommodate the presentation of testimony or witnesses.
- (c) The employee may suggest that further investigation could be conducted or the employee may offer any additional information or mitigating factors for the Chief of Police to consider.
- (d) In the event that the Chief of Police elects to cause further investigation to be conducted, the employee shall be provided with the results prior to the imposition of any discipline.
- (e) The employee may thereafter have the opportunity to further respond orally or in writing to the Chief of Police on the limited issues of information raised in any subsequent materials.

#### **1010.12 RESIGNATIONS/RETIREMENTS PRIOR TO DISCIPLINE**

In the event that a member tenders a written resignation or notice of retirement prior to the imposition of discipline, it shall be noted in the file. The tender of a resignation or retirement by itself shall not serve as grounds for the termination of any pending investigation or discipline.

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##### **1010.13 POST-DISCIPLINE APPEAL RIGHTS**

Non-probationary employees may have the right to appeal a suspension without pay, punitive transfer, demotion, reduction in pay or step, or termination from employment using the procedures established by any collective bargaining agreement and/or personnel rules.

##### **1010.14 PROBATIONARY EMPLOYEES AND OTHER MEMBERS**

At-will and probationary employees and members other than non-probationary employees may be disciplined and/or released from employment without adherence to any of the procedures set out in this policy, and without notice or cause at any time. These individuals are not entitled to any rights under this policy. However, any of these individuals released for misconduct should be afforded an opportunity solely to clear their names through a liberty interest hearing, which shall be limited to a single appearance before the Chief of Police or the authorized designee.

Any probationary period may be extended at the discretion of the Chief of Police.

##### **1010.15 RETENTION OF PERSONNEL INVESTIGATION FILES**

All personnel complaints shall be maintained in accordance with the established records retention schedule and as described in the Personnel Records Policy.

##### **1010.16 STATE REPORTING REQUIREMENT FOR SUSPENSIONS**

The Chief of Police or the authorized designee shall notify the Director of Public Safety in writing of an officer's suspension and the cause of the suspension (ORC § 737.12).

## Seat Belts

### 1011.1 PURPOSE AND SCOPE

This policy establishes guidelines for the use of seat belts and child restraints. This policy will apply to all members operating or riding in Department vehicles.

#### 1011.1.1 DEFINITIONS

Definitions related to this policy include:

**Child Restraint System** - An infant or child passenger restraint system that meets federal Motor Vehicle Safety Standards (FMVSS) and Regulations set forth in 49 CFR 571.213.

### 1011.2 POLICY

It is the policy of the Mount Healthy Police Department that members use safety and child restraint systems to reduce the possibility of death or injury in a motor vehicle collision.

### 1011.3 WEARING OF SAFETY RESTRAINTS

All members shall wear properly adjusted safety restraints when operating or riding in a seat equipped with restraints, in any vehicle owned, leased or rented by this department while on- or off-duty or in any privately owned vehicle while on-duty. The member driving such a vehicle shall ensure that all other occupants, including those who are not members of the Department, are properly restrained (ORC § 4513.263).

Exceptions to the requirement to wear safety restraints may be made only in exceptional situations where, due to unusual circumstances, wearing a seat belt would endanger the department member or the public. Members must be prepared to justify any deviation from this requirement.

### 1011.4 TRANSPORTING CHILDREN

A child restraint system should be used for all children of an age, height or weight for which such restraints are required by law (ORC § 4511.81).

Rear seat passengers in a cage-equipped vehicle may have reduced clearance, which requires careful seating and positioning of seat belts. Due to this reduced clearance, and if permitted by law, children and any child restraint system may be secured in the front seat of such vehicles provided this positioning meets federal safety standards and the vehicle and child restraint system manufacturer's design and use recommendations. In the event that a child is transported in the front seat of a vehicle, the seat should be pushed back as far as possible and the passenger-side airbag should be deactivated. If this is not possible, members should arrange alternate transportation when feasible.

### 1011.5 TRANSPORTING SUSPECTS, PRISONERS OR ARRESTEES

Suspects, prisoners and arrestees should be in a seated position and secured in the rear seat of any department vehicle with a prisoner restraint system or, when a prisoner restraint system is not available, by seat belts provided by the vehicle manufacturer. The prisoner restraint system is not intended to be a substitute for handcuffs or other appendage restraints.

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Prisoners in leg restraints shall be transported in accordance with the Handcuffing and Restraints Policy.

#### **1011.6 INOPERABLE SEAT BELTS**

Department vehicles shall not be operated when the seat belt in the driver's position is inoperable. Persons shall not be transported in a seat in which the seat belt is inoperable.

Department vehicle seat belts shall not be modified, removed, deactivated or altered in any way, except by the vehicle maintenance and repair staff, who shall do so only with the express authorization of the Chief of Police.

Members who discover an inoperable restraint system shall report the defect to the appropriate supervisor. Prompt action will be taken to replace or repair the system.

#### **1011.7 VEHICLES MANUFACTURED WITHOUT SEAT BELTS**

Vehicles manufactured and certified for use without seat belts or other restraint systems are subject to the manufacturer's operating requirements for safe use.

#### **1011.8 VEHICLE AIRBAGS**

In all vehicles equipped with airbag restraint systems, the system will not be tampered with or deactivated, except when transporting children as written elsewhere in this policy. All equipment installed in vehicles equipped with airbags will be installed as per the vehicle manufacturer specifications to avoid the danger of interfering with the effective deployment of the airbag device.

## Body Armor

### 1012.1 PURPOSE AND SCOPE

The purpose of this policy is to provide law enforcement officers with guidelines for the proper use of body armor.

### 1012.2 POLICY

It is the policy of the Mount Healthy Police Department to maximize officer safety through the use of body armor in combination with prescribed safety procedures. While body armor provides a significant level of protection, it is not a substitute for the observance of officer safety procedures.

### 1012.3 ISSUANCE OF BODY ARMOR

The department purchases body armor for all officers. Body armor purchased must meet National Institute of Justice (NIJ) standards on the date it is purchased. All body armor vests shall be uniquely fitted for the individual officer to provide the best possible fit and coverage.

Uniformed patrol personnel, including bike patrol officers are required to wear the department issued body armor when they are in uniform. Officers that are not on patrol and who are in the formal uniform or Honor Guard uniform are not required to wear the department issued body armor.

When personnel are representing the department and are authorized to wear civilian clothing, they are not required to wear the department issued body armor. Command Staff and Officers assigned to administrative duties are not required to wear the department issued body armor.

Should an officer be excused from wearing their body armor, the officer must have readily at hand their assigned body armor for use.

The Administration Training supervisor shall establish a body armor replacement schedule and ensure that replacement body armor is issued pursuant to the schedule or whenever the body armor becomes worn or damaged to the point that its effectiveness or functionality has been compromised.

#### 1012.3.1 USE OF SOFT BODY ARMOR

Generally, the use of body armor is required, subject to the following:

- (a) Officers shall only wear agency-approved body armor.
- (b) Officers shall wear body armor anytime they are in a situation where they could reasonably be expected to take enforcement action.
- (c) Officers may be excused from wearing body armor when they are functioning primarily in an administrative or support capacity and could not reasonably be expected to take enforcement action.
- (d) Body armor shall be worn when an officer is working in uniform or taking part in Department range training.
- (e) An officer may be excused from wearing body armor when he/she is involved in undercover or plainclothes work that his/her supervisor determines could be

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compromised by wearing body armor, or when a supervisor determines that other circumstances make it inappropriate to mandate wearing body armor.

- (f) Agency provided body armor shall be worn by officers when involved in the execution of pre-planned high risk tactical situations. This includes but is not limited to planned warrant execution, drug raids, etc.
- (g) Officers shall exercise proper hygiene ensuring body armor is clean at all times.

#### 1012.3.2 INSPECTIONS OF BODY ARMOR

Supervisors should ensure that body armor is worn and maintained in accordance with this policy through routine observation and periodic documented inspections. Annual inspections of body armor should be conducted by an authorized designee for fit, cleanliness and signs of damage, abuse and wear.

#### 1012.3.3 CARE AND MAINTENANCE OF SOFT BODY ARMOR

Soft body armor should never be stored for any period of time in an area where environmental conditions (e.g., temperature, light, humidity) are not reasonably controlled (e.g., normal ambient room temperature/humidity conditions), such as in automobiles or automobile trunks.

Soft body armor should be cared for and cleaned pursuant to the manufacturer's care instructions provided with the soft body armor. The instructions can be found on labels located on the external surface of each ballistic panel. The carrier should also have a label that contains care instructions. Failure to follow these instructions may damage the ballistic performance capabilities of the armor. If care instructions for the soft body armor cannot be located, contact the manufacturer to request care instructions.

Soft body armor should not be exposed to any cleaning agents or methods not specifically recommended by the manufacturer, as noted on the armor panel label.

Soft body armor should be replaced in accordance with the manufacturer's recommended replacement schedule.

#### 1012.4 RANGEMASTER RESPONSIBILITIES

The Rangemaster should:

- (a) Monitor technological advances in the body armor industry for any appropriate changes to Department-approved body armor.
- (b) Assess weapons and ammunition currently in use and the suitability of approved body armor to protect against those threats.
- (c) Provide training that educates officers about the safety benefits of wearing body armor.

## Personnel Records

### 1013.1 PURPOSE AND SCOPE

This policy governs maintenance and access to personnel records. Personnel records include any file maintained under an individual member's name.

### 1013.2 POLICY

It is the policy of this department to maintain personnel records and preserve the confidentiality of personnel records pursuant to the Constitution and the laws of Ohio.

### 1013.3 PERSONAL INFORMATION SYSTEM RECORDS

The Personnel Records Clerk or the authorized designee shall be responsible for the Mount Healthy Police Department personal information system and shall adopt, implement and communicate rules and procedures for the personal information system, including the maintenance, use, security, access, inspection, disclosure and dispute resolution related to the system (ORC 1347.01 et. seq.).

Personnel records maintained in the personal information system are subject to the rules and procedures established by the Personnel Records Clerk. Those rules and procedures apply in the event of any conflict with this policy.

### 1013.4 GENERAL PERSONNEL FILE

The General Personnel file shall be maintained as a record of a person's employment/appointment with this department and should contain, at a minimum:

- (a) Personal data, including photographs, marital status, names of family members, educational and employment history or similar information. A photograph of the member should be permanently retained.
- (b) Personnel action reports reflecting assignments, promotions and other changes in employment/appointment status. These should be permanently retained.
- (c) Discipline records, including copies of sustained personnel complaints.

### 1013.5 EVALUATIONS FILE

The **Evaluation**

- (a) Original performance evaluations. These should be permanently maintained
- (b) Adverse comments such as supervisor notes or memos may be retained in the file after the member has had the opportunity to read and initial the comment.
  - 1. Once a member has had an opportunity to read and initial any adverse comment, the member shall be given the opportunity to respond in writing to the adverse comment.
  - 2. Any member response shall be attached to and retained with the original adverse comment.

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3. If a member refuses to initial or sign an adverse comment, at least one supervisor should note the date and time of such refusal on the original comment. Such a refusal, however, shall not be deemed insubordination, nor shall it prohibit the entry of the adverse comment into the member's file.

- (c) Commendations and awards

#### **1013.6 TRAINING FILE**

Training Files are maintained by the Personnel Records Clerk.

An individual training file shall be maintained by the Personnel Records Clerk for each member. Training files will contain records of all training; original or photocopies of available certificates, transcripts, diplomas and other documentation; and education and firearms qualifications. Training records may also be created and stored remotely, either manually or automatically (e.g., Daily Training Bulletin (DTB) records). The Personnel Records Clerk shall update records of employees following their participation in training programs.

- (a) The involved member is responsible for providing the Police Chief or immediate supervisor with evidence of completed training/education in a timely manner.
- (b) The Police Chief or supervisor shall ensure that copies of such training records are placed in the member's training file.

#### **1013.7 INTERNAL AFFAIRS FILE**

Internal affairs files shall be maintained under the exclusive control of the Property Records Clerk in conjunction with the office of the Chief of Police. Access to these files may only be approved by the Chief of Police or the Property Records Clerk.

These files shall contain the complete investigation of all formal complaints of member misconduct, regardless of disposition. Investigations of complaints that result in the following findings shall not be placed in the member's department file but will be maintained in the internal affairs file:

- (a) Not sustained
- (b) Unfounded
- (c) Exonerated
- (d) Sustained or Sustained Other

#### **1013.8 MEDICAL FILE**

A medical file shall be maintained separately from all other personnel records and shall contain all documents relating to the member's medical condition and history, including but not limited to:

- (a) Materials relating to a medical leave of absence, including leave under the Family and Medical Leave Act (FMLA).
- (b) Documents relating to workers' compensation claims or the receipt of short- or long-term disability benefits.
- (c) Fitness-for-duty examinations, psychological and physical examinations, follow-up inquiries and related documents.



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- (d) Medical release forms, doctor's slips and attendance records that reveal a member's medical condition.
- (e) Any other documents or materials that reveal the member's medical history or medical condition, including past, present or future anticipated mental, psychological or physical limitations.

#### **1013.9 SECURITY**

Personnel records should be maintained in a secured location and locked either in a cabinet or access-controlled room. Personnel records maintained in an electronic format should have adequate password protection.

Personnel records are subject to disclosure only as provided in this policy, the Records Maintenance and Release Policy or according to applicable discovery procedures.

Nothing in this policy is intended to preclude review of personnel records by the City Manager, City Attorney or other attorneys or representatives of the City in connection with official business.

##### **1013.9.1 RELEASE OF PERSONNEL INFORMATION**

Residential and familial information including the home address and telephone number of an officer and any photograph of an officer who holds a position that may include undercover or plain clothes assignment that is in the possession of the Department is not a matter of public record and shall not be disclosed without a court order (ORC § 149.43(A)). However, the actual personal residence of an officer may be released by the Personnel Records Clerk to a journalist, but only if the journalist makes a written request including the journalist's name, title, name of the journalist's employer, address of the journalist's employer and a statement that the information would be in the public interest pursuant to the provisions of ORC § 149.43(B)(9).

##### **1013.9.2 REQUESTS FOR DISCLOSURE**

Any member receiving a request for a personnel record shall promptly notify the Personnel Records Clerk..

Upon receipt of any such request, the responsible person shall notify the affected member as soon as practicable that such a request has been made.

The responsible person shall further ensure that an appropriate response to the request is made in a timely manner, consistent with applicable law. In many cases, this may require assistance of available legal counsel.

All requests for disclosure that result in access to a member's personnel records shall be logged in the corresponding file.

#### **1013.10 MEMBER ACCESS TO HIS/HER OWN PERSONNEL RECORDS**

Any member may request access to his/her own personnel records during the normal business hours of those responsible for maintaining such files. Any member seeking the removal of any item from his/her personnel records shall file a written request to the Chief of Police through the chain of command. The Department shall remove any such item if appropriate, or within 30 days

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provide the member with a written explanation of why the contested item will not be removed. If the contested item is not removed from the file, the member's request and the written response from the Department shall be retained with the contested item in the member's corresponding personnel record.

Members may be restricted from accessing files containing any of the following information:

- (a) An ongoing internal affairs investigation to the extent that it could jeopardize or compromise the investigation pending final disposition or notice to the member of the intent to discipline.
- (b) Confidential portions of internal affairs files that have not been sustained against the member.
- (c) Criminal investigations involving the member.
- (d) Letters of reference concerning employment/appointment, licensing or issuance of permits regarding the member.
- (e) Any portion of a test document, except the cumulative total test score for either a section of the test document or for the entire test document.
- (f) Materials used by the Department for staff management planning, including judgments or recommendations concerning future salary increases and other wage treatments, management bonus plans, promotions and job assignments or other comments or ratings used for department planning purposes.
- (g) Information of a personal nature about a person other than the member if disclosure of the information would constitute a clearly unwarranted invasion of the other person's privacy.
- (h) Records relevant to any other pending claim between the Department and the member that may be discovered in a judicial proceeding.

#### **1013.11 RETENTION AND PURGING**

Unless provided otherwise in this policy, personnel records shall be maintained in accordance with the established records retention schedule.

- (a) During the preparation of each member's performance evaluation, all personnel complaints and disciplinary actions should be reviewed to determine the relevancy, if any, to progressive discipline, training and career development. Each supervisor responsible for completing the member's performance evaluation should determine whether any prior sustained disciplinary file should be retained beyond the required period for reasons other than pending litigation or other ongoing legal proceedings.
- (b) If a supervisor determines that records of prior discipline should be retained beyond the required period, approval for such retention should be obtained through the chain of command from the Chief of Police.
- (c) If, in the opinion of the Chief of Police, a personnel complaint or disciplinary action maintained beyond the required retention period is no longer relevant, all records of such matter may be destroyed in accordance with the established records retention schedule.

## Request for Change of Assignment

### **1014.1 PURPOSE AND SCOPE**

It is the intent of the Department that all requests for change of assignment are considered equally. To facilitate the selection process, the following procedure is established whereby all such requests will be reviewed on an equal basis as assignments are made.

### **1014.2 REQUEST FOR CHANGE OF ASSIGNMENT**

Personnel wishing a change of assignment are to make the request in writing. The request should then be forwarded through the chain of command to the Police Chief.

### **1014.3 SUPERVISOR'S COMMENTARY**

The officer's immediate supervisor shall make appropriate comments and submit the form to the Police Chief for disposition.

## Commendations and Awards

### 1015.1 PURPOSE AND SCOPE

This policy provides general guidelines for recognizing commendable or meritorious acts of members of the Mount Healthy Police Department and individuals from the community.

### 1015.2 POLICY

It is the policy of the Mount Healthy Police Department to recognize and acknowledge exceptional individual or group achievements, performance, proficiency, heroism and service of its members and individuals from the community through commendations and awards.

### 1015.3 COMMENDATIONS

Commendations for members of the Department or for individuals from the community may be initiated by any department member or by any person from the community.

### 1015.4 CRITERIA

A meritorious or commendable act may include, but is not limited to:

- Superior handling of a difficult situation.
- Conspicuous bravery or outstanding performance.
- Any action or performance that is above and beyond typical duties.

#### 1015.4.1 DEPARTMENT MEMBER DOCUMENTATION

Members of the Department should document meritorious or commendable acts. The documentation should contain:

- (a) Identifying information:
  1. For members of the Department - name, section and assignment at the date and time of the meritorious or commendable act
  2. For individuals from the community - name, address, telephone number
- (b) A brief account of the meritorious or commendable act with report numbers, as appropriate.
- (c) The signature of the member submitting the documentation.

#### 1015.4.2 COMMUNITY MEMBER DOCUMENTATION

Documentation of a meritorious or commendable act submitted by a person from the community should be accepted in any form. However, written documentation is preferred. Department members accepting the documentation should attempt to obtain detailed information regarding the matter, including:

- (a) Identifying information:
  1. For members of the Department - name, section and assignment at the date and time of the meritorious or commendable act

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2. For individuals from the community - name, address, telephone number
  - (b) A brief account of the meritorious or commendable act with report numbers, as appropriate.
  - (c) The signature of the person submitting the documentation.

#### 1015.4.3 PROCESSING DOCUMENTATION

Documentation regarding the meritorious or commendable act of a member of the Department should be forwarded to the appropriate Sergeant for his/her review. The Sergeant should sign and forward the documentation to the Chief of Police for his/her review.

The Chief of Police or the authorized designee will present the commendation to the department member for his/her signature. The documentation will then be returned to the Administration secretary for entry into the member's personnel file.

Documentation regarding the meritorious or commendable act of an individual from the community should be forwarded to the Administration Sergeant. The documentation will be signed by the Sergeant and forwarded to the Chief of Police for his/her review. An appropriate venue or ceremony to acknowledge the individual's actions should be arranged. Documentation of the commendation shall be maintained in a file designated for such records.

#### 1015.5 AWARDS

Awards may be bestowed upon members of the Department and individuals from the community. These awards include:

- Award of Valor.
- Award of Merit.
- Lifesaving Award.
- Meritorious Conduct.

Criteria for each award and the selection, presentation and display of any award are determined by the Chief of Police.

## Fitness for Duty

### 1016.1 PURPOSE AND SCOPE

All officers are required to be free from any physical, emotional or mental condition that might adversely affect the exercise of peace officer duties. The purpose of this policy is to ensure that all officers of this department remain fit for duty and able to perform their job functions.

### 1016.2 EMPLOYEE RESPONSIBILITIES

- (a) It shall be the responsibility of each member of this department to maintain good physical condition sufficient to safely and properly perform essential duties of the position.
- (b) Each member of this department shall perform his/her respective duties without physical, emotional and/or mental constraints.
- (c) During working hours, all employees are required to be alert, attentive and capable of performing assigned responsibilities.
- (d) Any employee who feels unable to perform his/her duties shall promptly notify a supervisor. In the event that an employee believes that another employee is unable to perform his/her duties, such observations and/or belief shall be promptly reported to a supervisor.

### 1016.3 SUPERVISOR RESPONSIBILITIES

- (a) A supervisor observing an employee, or receiving a report of an employee, who is perceived to be unable to safely perform his/her duties due to a physical, medical or mental condition shall take prompt and appropriate action in an effort to resolve the situation.
- (b) Whenever feasible, the supervisor should attempt to ascertain the reason or source of the problem and in all cases a preliminary evaluation should be made to determine the level of inability of the employee to perform his/her duties.
- (c) In the event the employee appears to be in need of immediate medical or psychiatric treatment, all reasonable efforts should be made to provide such care.
- (d) In conjunction with the Shift Supervisor or the employee's Sergeant, a determination should be made whether the employee should be temporarily relieved from his/her duties.
- (e) The Chief of Police shall be promptly notified in the event that any employee is relieved from duty.

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#### *Fitness for Duty*

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#### **1016.4 NON-WORK RELATED CONDITIONS**

Any employee suffering from a non-work related condition that warrants a temporary relief from duty may be required to use sick leave or other paid time off in order to obtain medical treatment or other reasonable rest period.

#### **1016.5 WORK-RELATED CONDITIONS**

Any employee suffering from a work-related condition that warrants a temporary relief from duty shall be required to comply with personnel rules and guidelines for processing such claims.

Upon the recommendation of the Shift Supervisor or unit supervisor and concurrence of a Sergeant, any employee whose actions or use of force in an official capacity result in death or serious injury to another may be temporarily removed from regularly assigned duties and/or placed on paid administrative leave for the well-being of the employee and until such time as the following may be completed:

- (a) A preliminary determination that the employee's conduct appears to be in compliance with policy and law.
- (b) If appropriate, the employee has had the opportunity to receive necessary counseling and/or psychological clearance to return to full duty.

#### **1016.6 PHYSICAL AND PSYCHOLOGICAL EXAMINATIONS**

- (a) Whenever circumstances reasonably indicate that an employee is unfit for duty, the Chief of Police may serve that employee with a written order to undergo a physical and/or psychological examination in cooperation with the City Manger's Officeto determine the level of the employee's fitness for duty. The order shall indicate the date, time and place for the examination.
- (b) The examining physician or therapist will provide the Department with a report indicating that the employee is either fit for duty or, if not, list any functional limitations that limit the employee's ability to perform job duties. If the employee places his/her condition at issue in any subsequent or related administrative action or grievance, the examining physician or therapist may be required to disclose any and all information that is relevant to such proceeding.
- (c) To facilitate the examination of any employee, the Department will provide all appropriate documents and available information to assist in the examination, evaluation and/or treatment.
- (d) All reports and examinations or evaluations submitted by the treating physician or therapist shall be part of the employee's private medical file.
- (e) Any employee ordered to receive a fitness for duty examination shall comply with the terms of the order and cooperate fully with the examining physician or therapist regarding any clinical interview, tests administered or other procedures as directed. Any failure to comply with such an order and any failure to cooperate with the examining physician or therapist may be deemed insubordination and may subject the employee to discipline up to and including termination.

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- (f) Once an employee has been deemed fit for duty by the examining physician or therapist, the employee will be notified to resume his/her duties.
- (g) If an employee is deemed unfit for duty by the Department, the employee may submit a report from his/her personal physician, psychiatrist, psychologist or other health care provider that will be taken into consideration.

#### **1016.7 LIMITATION ON HOURS WORKED**

Absent emergency operations, members should not work more than:

- 16 hours in one day (24-hour period)
- 30 hours in any two day (48-hour period)
- 84 hours in any seven day (168-hour period)

Except in very limited circumstances members should have a minimum of eight hours off between shifts. Supervisors should give consideration to reasonable rest periods and are authorized to deny overtime or relieve to off-duty status any member who has exceeded the above guidelines.

Limitations on the number of hours worked apply to shift changes, shift trades, rotation, holdover, training, special events, contract work, general overtime and any other work assignments.

#### **1016.8 APPEALS**

An employee who is separated from paid employment or receives a reduction in salary resulting from a fitness-for-duty examination shall be entitled to an administrative appeal as outlined in the Personnel Complaints Policy.



## Meal Periods and Breaks

### 1017.1 REFERENCE

Mt. Healthy Police Chief's General Order 5-2015

### 1017.2 PURPOSE AND SCOPE

This policy regarding meals and breaks, insofar as reasonably possible, shall conform to the policy governing all City employees.

#### 1017.2.1 MEAL PERIODS

Full time employees and part time employees working 8 or more consecutive hours are permitted to take a break of 30 minutes each shift for a meal. Other employees are permitted a meal break when the meal is intended as a business meeting with policy makers, vendors, consultants, etc.

Sworn employees;

1. Shall remain on-duty and subject to call during meal breaks,
2. Shall not take meals between 0700-0900 hours and 1600-1800 hours, and
3. Shall not dine with more than one other employee in the same restaurant at the same time unless approved by a supervisor.
4. If bringing meals to the station, shall consume them at the Fire Department Kitchen area.

All other employees are not on-call during meal breaks unless directed otherwise by a supervisor.

The time spent for the meal period shall not exceed the authorized time allowed.

#### 1017.2.2 15-MINUTE BREAKS

Each employee is entitled to a 15-minute break, near the midpoint, for each four-hour work period. Only one 15-minute break shall be taken during each four hours of duty. No breaks shall be taken during the first or last hour of an employee's shift unless approved by a supervisor.

Employees normally assigned to the police facility shall remain in the police facility for their breaks. This does not prohibit them from taking a break if they are outside the facility on official business.

Field officers will take their breaks in their assigned areas, subject to call, and shall monitor their radios. When field officers take their breaks away from their vehicles, they shall do so only with the knowledge and clearance of the Communications Center.

## Lactation Breaks

### 1018.1 PURPOSE AND SCOPE

The purpose of this policy is to provide reasonable accommodations to members desiring to express breast milk for the member's infant child.

### 1018.2 POLICY

It is the policy of this department to provide, in compliance with the Fair Labor Standards Act (FLSA), reasonable break time and appropriate facilities to accommodate any member desiring to express breast milk for her nursing child for up to one year after the child's birth (29 USC § 207; ORC § 4112.025).

### 1018.3 LACTATION BREAK TIME

A rest period should be permitted each time the member has the need to express breast milk (29 USC § 207; ORC § 4112.025). In general, lactation breaks that cumulatively total 30 minutes or less during any four-hour work period or major portion of a four-hour work period are per se reasonable. However, individual circumstances may require more or less time.

Lactation breaks, if feasible, should be taken at the same time as the member's regularly scheduled rest or meal periods. While a reasonable effort will be made to provide additional time beyond authorized breaks, any such time exceeding regularly scheduled break time will be unpaid.

Members desiring to take a lactation break shall notify the dispatcher or a supervisor prior to taking such a break. Such breaks may be reasonably delayed if they would seriously disrupt department operations.

Once a lactation break has been approved, the break should not be interrupted except for emergency or exigent circumstances.

### 1018.4 PRIVATE LOCATION

The Department will make reasonable efforts to accommodate members with the use of an appropriate room or other location to express milk in private. Such room or place should be in close proximity to the member's work area and shall be other than a bathroom or toilet stall. The location must be shielded from view and free from intrusion from co-workers and the public (29 USC § 207; ORC § 4112.025).

Members occupying such private areas shall either secure the door or otherwise make it clear to others that the area is occupied with a need for privacy. All other members should avoid interrupting a member during an authorized break, except to announce an emergency or other urgent circumstance.

Authorized lactation breaks for members assigned to the field may be taken at the nearest appropriate private area.

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## *Lactation Breaks*

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### **1018.5 STORAGE OF EXPRESSED MILK**

Any member storing expressed milk in any authorized refrigerated area within the Department shall clearly label it as such and shall remove it when the member's shift ends.

## Payroll Record Procedures

### 1019.1 PURPOSE AND SCOPE

Payroll records are submitted to Administration on a biweekly basis for the payment of wages.

#### 1019.1.1 RESPONSIBILITY FOR COMPLETION OF PAYROLL RECORDS

Employees are responsible for the accurate and timely submission of payroll records for the payment of wages.

#### 1019.1.2 TIME REQUIREMENTS

All employees are paid on a biweekly basis usually on Thursday with certain exceptions, such as holidays. Payroll records shall be completed and submitted to Administration at the end of a shift.

## Overtime Compensation Requests

### 1020.1 PURPOSE AND SCOPE

See related Chief's General Order 29-2016 Compensatory Time. With the exception of emergency situations, all overtime must be pre-approved by the employee's supervisor/officer in charge. The name of the supervisor/officer in charge giving authorization to work the overtime must be recorded in the "Reason for Request" section of the overtime slip. Every effort will be made to pay the overtime in the pay-period earned. It is the policy of the Department to compensate nonexempt employees who work authorized overtime either by payment of wages as agreed and in effect through the collective bargaining agreement, or by the allowance of accrual of compensatory time off. In order to qualify for either, the employee must complete and submit a Request for Overtime Payment at the end of the shift it is earned or if earned while off-duty at the beginning of the first day back to work.

#### 1020.1.1 DEPARTMENT POLICY

Because of the nature of law enforcement work, and the specific needs of the Department, a degree of flexibility concerning overtime policies must be maintained.

Nonexempt employees are not authorized to volunteer work time to the Department.

With the exception of emergency situations, all requests to work overtime shall be pre-approved in advance by a supervisor/Officer in Charge. If a supervisor is not working, the officer in charge will make the determination. If circumstances do not permit prior approval, approval shall be sought as soon as practicable during the overtime shift and in no case later than the end of shift in which the overtime is worked.

### 1020.2 REQUEST FOR OVERTIME COMPENSATION

Employees shall submit all overtime compensation requests to their immediate supervisors at the end of the tour of duty it is earned in. Failure to submit a request for overtime compensation in a timely manner may result in discipline or loss of pay.

#### 1020.2.1 EMPLOYEE RESPONSIBILITY

Employees shall complete the requests immediately after working the overtime and turn them in to their immediate supervisor or the Shift Supervisor. Employees who are off-duty when the overtime is earned will submit their over-time payment request no later than the first day after returning to work. If an extended leave is anticipated, the employee earning the overtime will ensure the Overtime Slip is delivered to the Department. Emailing the Police Clerk is acceptable. All Overtime Slips will be completed with specific detail of the work performed. Generalities will be avoided ( Example- Administrative Duties).

#### 1020.2.2 SUPERVISOR RESPONSIBILITIES

The on-duty supervisor will verify all time-slips prior to the end of their tour of duty. All over-time requests will be calculated as per the current collective bargaining agreement and submit to the Police Clerk for processing.

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#### *Overtime Compensation Requests*

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### **1020.3 ACCOUNTING FOR OVERTIME WORKED**

Employees are to use Department approved payroll slips to record the actual time worked in an overtime status. In some cases, the collective bargaining agreement provides that a minimum number of hours will be paid, (e.g., two hours for court, four hours for outside overtime). The supervisor will enter the actual time worked. Employees shall ensure all requested information on the payroll slip is entered legibly on the time-slip. The Police Clerk will maintain time records by employee by month. Disposal of the records will follow the Mt. Healthy Records Disposal plan.

#### **1020.3.1 ACCOUNTING FOR PORTIONS OF AN HOUR**

When accounting for less than a full hour, time worked shall be rounded up to the nearest quarter of an hour as indicated by the following chart:

<u>TIME WORKED</u>	<u>INDICATE ON CARD</u>
Up to 15 minutes	.25 hour
16 to 30 minutes	.50 hour
31 to 45 minutes	.75 hour
46 to 60 minutes	1.0 hour

#### **1020.3.2 VARIATION IN TIME REPORTED**

Where two or more employees are assigned to the same activity, case or court trial, and the amount of time for which payment is requested varies between the two, the Sergeant or Police Clerk may require each employee to include the reason for the variation on the back of the overtime payment request.

## Outside Employment

### 1021.1 PURPOSE AND SCOPE

To avoid actual or perceived conflicts of interest for Department employees engaging in outside employment, all employees shall initially obtain written approval from the Chief of Police prior to engaging in any outside employment. Approval of outside employment shall be at the discretion of the Chief of Police in accordance with the provisions of this policy. All requests for outside employment must be renewed each year during the month of January.

Additional guidance, provisions, changes or additions may be contained in the employee Collective Bargaining Agreement.

#### 1021.1.1 DEFINITIONS

Definitions related to this policy include:

**Outside Employment** - The employment of any member of this department who receives wages, compensation or other consideration of value from another employer, organization or individual not affiliated directly with this department for services, products or benefits rendered. For purposes of this section, the definition of outside employment includes those employees who are self-employed and not affiliated directly with this department for services, products or benefits rendered.

**Outside Overtime** - Overtime involving any member of this department who performs duties or services on behalf of an outside organization, company or individual within this jurisdiction on behalf of the Department. Such outside overtime shall be requested and scheduled directly through this department so that the Department may be reimbursed for the cost of wages and benefits.

### 1021.2 OBTAINING APPROVAL

No member of this department may engage in any outside employment without first obtaining prior written approval of the Chief of Police. Failure to obtain prior written approval for outside employment or engaging in outside employment prohibited by this policy is grounds for disciplinary action.

To obtain approval for outside employment, the employee must complete an application that shall be submitted to the employee's immediate supervisor. The application will then be forwarded through the appropriate chain of command to the Chief of Police for consideration.

If approved, the employee will be provided with a copy of the approved permit. Unless otherwise indicated in writing on the approved permit, a permit will be valid through the end of the calendar year in which it is approved. Any employee seeking to continue outside employment shall submit a new application in a timely manner.

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Any employee seeking approval of outside employment whose request has been denied shall be provided with a written reason for the denial of the application at the time of the denial and within 30 days of the application.

##### **1021.2.1 APPEAL OF DENIAL OF OUTSIDE EMPLOYMENT**

If an employee's application is denied or rescinded by the Department, the employee may file a written notice of appeal to the Chief of Police within 10 days of the date of denial.

##### **1021.2.2 REVOCATION/SUSPENSION OF OUTSIDE EMPLOYMENT PERMITS**

Any outside employment permit may be revoked or suspended after the employee has received written notification of the reasons for revocation or suspension. Additionally, revocation or suspension will only be implemented after the employee has exhausted the appeal process.

The outside employment may be revoked:

- (a) If an employee's performance declines to a point where it is evaluated by a supervisor as needing improvement to reach an overall level of minimum acceptable competency, and the outside employment may be related to the employee's performance. The Chief of Police may, at his/her discretion, notify the employee of the intent to revoke any previously approved outside employment permits. After the appeal process has concluded, the revocation will remain in force until the employee's performance directly related to the outside employment has been reestablished to the minimum level of acceptable competency.
- (b) If, at any time during the term of a valid outside employment permit, an employee's conduct or outside employment conflicts with the provisions of Department policy, or any law.
- (c) The outside employment creates an actual or apparent conflict of interest with the Department or City.
- (d) At the discretion of the Police Chief or City Manager

##### **1021.3 PROHIBITED OUTSIDE EMPLOYMENT**

The Department expressly reserves the right to deny any application submitted by an employee seeking to engage in any activity that:

- (a) Involves the employee's use of Department time, facilities, equipment or supplies, the use of the Department badge, uniform, prestige or influence for private gain or advantage.
- (b) Involves the employee's receipt or acceptance of any money or other consideration from anyone other than this department for the performance of an act that the employee, if not performing such act, would be required or expected to render in the regular course or hours of employment or as a part of the employee's duties as a member of this department.
- (c) Involves the performance of an act in other than the employee's capacity as a member of this department that may later be subject directly or indirectly to the control, inspection, review, audit or enforcement of any other employee of this department.



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- (d) Involves time demands that would render performance of the employee's duties for this department below minimum standards or would render the employee unavailable for reasonably anticipated overtime assignments and other job-related demands that occur outside regular working hours.
- (e) Involve a liquor permit premise except officer may working parking lot areas.
- (f) Private security firms
- (g) Bail Bonding firms
- (h) Vending Machine Companies

#### 1021.3.1 OUTSIDE SECURITY EMPLOYMENT

Due to the potential conflict of interest, no member of this department may engage in any outside or secondary employment as a private security guard, private investigator or other similar private security position.

Any private organization, entity or individual seeking special services for security or traffic control from members of this department must submit a written request to the Chief of Police in advance of the desired service. Such outside overtime will be monitored by the patrol supervisor.

- (a) The applicant will be required to enter into a written indemnification agreement prior to approval.
- (b) The applicant will be required to provide for the compensation and full benefits of all employees requested for such outside security services.
- (c) If such a request is approved, any employee working outside overtime shall be subject to the following conditions:
  1. The officer shall wear the Department uniform/identification.
  2. The officer shall be subject to all the rules and regulations of this department.
  3. No officer may engage in such outside employment during or at the site of a strike, lockout, picket or other physical demonstration of a labor dispute.
  4. Compensation for such approved outside security services shall be pursuant to normal overtime procedures.
  5. Outside security services, outside employment or outside overtime shall not be subject to the collective bargaining process.
  6. No officer may engage in outside employment as a peace officer for any other public agency without prior written authorization of the Chief of Police.

#### 1021.3.2 OUTSIDE OVERTIME ARREST AND REPORTING PROCEDURE

Any employee making an arrest or taking other official law enforcement action while working in an approved outside overtime assignment shall be required to complete all related reports in a timely manner pursuant to Department policy. Time spent on the completion of such reports shall be considered incidental to the outside overtime assignment.

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##### 1021.3.3 SPECIAL RESTRICTIONS

Except for emergency situations or with prior authorization from the Police Chief, undercover officers or officers assigned to covert operations shall not be eligible to work overtime or other assignments in a uniformed or other capacity that might reasonably disclose the officer's law enforcement status.

##### **1021.4 DEPARTMENT RESOURCES**

Employees are prohibited from using any Department equipment or resources in the course of or for the benefit of any outside employment. This shall include the prohibition of access to official records or databases of this department or other agencies through the use of the employee's position with this department.

##### 1021.4.1 REVIEW OF FINANCIAL RECORDS

Prior to providing written approval for an outside employment position, the Department may request that an employee provide his/her personal financial records for review/audit in order to determine whether a conflict of interest exists.

Failure of the employee to provide the requested personal financial records could result in denial of the off-duty work permit. If, after approving a request for an outside employment position, the Department becomes concerned that a conflict of interest exists based on a financial reason, the Department may request that the employee provide his/her personal financial records for review/audit. If the employee elects not to provide the requested records, his/her off-duty work permit may be revoked pursuant to this policy.

##### **1021.5 CHANGES IN OUTSIDE EMPLOYMENT STATUS**

If an employee terminates his/her outside employment during the period of a valid permit, the employee shall promptly submit written notification of such termination to the Chief of Police through the appropriate chain of command. Any subsequent request for renewal or continued outside employment must thereafter be processed and approved through normal procedures set forth in this policy.

Employees shall also promptly submit in writing to the Chief of Police any material changes in outside employment including any change in the number of hours, type of duties or demands of any approved outside employment. Employees who are uncertain whether a change in outside employment is material shall report the change.

##### **1021.6 OUTSIDE EMPLOYMENT WHILE ON DISABILITY OR ADMINISTRATIVE LEAVE**

Department Members of the Mount Healthy Police Department shall not be permitted to work Outside Employment duties while off sick or injured or in a light duty status. Members will not be permitted to work Outside Employment Duties until the member returns to duty and completes their scheduled shift.

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## Illness and Injury Reporting

### 1022.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance regarding timely reporting of occupational illnesses and work-related injuries. Department Members will follow the guidelines established in Chiefs General Orders 19, 26 and 44.

#### 1022.1.1 DEFINITIONS

Definitions related to this policy include:

**Work-related illness or injury** - Any occupational illness or work-related injury received or contracted in the course of the employee's employment.

### 1022.2 POLICY

The Mount Healthy Police Department will address occupational illnesses and work-related injuries appropriately, and will comply with applicable state workers' compensation requirements (ORC § 4123.01 et seq.; OAC § 4123-3-01 et seq.).

### 1022.3 RESPONSIBILITIES

#### 1022.3.1 MEMBER RESPONSIBILITIES

Any member sustaining any occupational illness or work-related injury shall report such event as soon as practicable, but within 24 hours, to a supervisor, and shall seek medical care when appropriate.

#### 1022.3.2 SUPERVISOR RESPONSIBILITIES

A supervisor learning of any occupational illness or work-related injury should ensure the member receives medical care as appropriate and conduct a full investigation into the circumstances causing the injury or illness.

Supervisors shall ensure that required documents regarding workers' compensation are completed and forwarded promptly. Any related City-wide illness- or injury-reporting protocol shall also be followed.

Supervisors shall determine whether the Major Incident Notification and Illness and Injury Prevention policies apply and take additional action as required.

#### 1022.3.3 SERGEANT RESPONSIBILITIES

The Sergeant who receives a report of an occupational illness or work-related injury should review the reports for accuracy and determine what additional action should be taken. The reports shall then be forwarded to the Chief of Police, the City's risk management entity, and the Administration Sergeant to ensure any required Public Employer Risk Reduction Program (PERRP) reporting is made as required in the Illness and Injury Prevention Policy (OAC § 4167-6-01).

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##### **1022.3.4 CHIEF OF POLICE RESPONSIBILITIES**

The Chief of Police shall review and forward copies of the report to the City Manger. The Chief of Police should ensure that incidents involving seven days or more of total disability or death are immediately forwarded to the City Manager so that timely reporting to the Ohio Bureau of Workers' Compensation may be accomplished (ORC § 4123.28; OAC § 4123-3-03).

Copies of the report and related documents retained by the Department shall be filed in the member's confidential medical file.

##### **1022.4 OTHER ILLNESS OR INJURY**

Illnesses and injuries caused or occurring on-duty that do not qualify for workers' compensation reporting shall be documented on the designated report of injury form, which shall be signed by a supervisor. A copy of the completed form shall be forwarded to the appropriate Sergeant through the chain of command and a copy sent to the Police Chief.

Unless the injury is extremely minor, all injuries must be evaluated by the Department Medical provider. The medical provider will determine the members ability to return to full duty.

##### **1022.5 SETTLEMENT OFFERS**

When a member sustains an occupational illness or work-related injury that is caused by another person and is subsequently contacted by that person, his/her agent, insurance company or attorney and offered a settlement, the member shall take no action other than to submit a written report of this contact to his/her supervisor as soon as possible.

##### **1022.5.1 NO SETTLEMENT WITHOUT PRIOR APPROVAL**

No less than 10 days prior to accepting and finalizing the settlement of any third-party claim arising out of or related to an occupational illness or work-related injury, the member shall provide the Chief of Police with written notice of the proposed terms of such settlement. In no case shall the member accept a settlement without first providing written notice to the Chief of Police. The purpose of such notice is to permit the City to determine whether the offered settlement will affect any claim the City may have regarding payment for damage to equipment or reimbursement for wages against the person who caused the illness or injury, and to protect the City's right of subrogation, while ensuring that the member's right to receive compensation for the illness or injury is not affected.

## Personal Appearance Standards

### 1023.1 PURPOSE AND SCOPE

To project uniformity and neutrality toward the public and other members of the Department, employees shall maintain their personal hygiene and appearance to project a professional image appropriate for this department and for their assignment. See related Police Chief's General Order #24

### 1023.2 GROOMING STANDARDS

Unless otherwise stated and because deviations from these standards could present officer safety issues, the following appearance standards to ensure employees shall be clean and well-groomed when on-duty, shall apply to all employees, except those whose current assignment would deem them not appropriate, and where the Chief of Police has granted exception.

#### 1023.2.1 HAIR

Hairstyles of all members shall be neat in appearance. For male sworn members, hair must not extend below the top edge of the uniform collar while assuming a normal stance.

For female sworn members, hair must be no longer than the horizontal level of the bottom of the uniform patch when the employee is standing erect, and worn up or in a tightly wrapped braid or ponytail.

#### 1023.2.2 MUSTACHES

For sworn employees, mustaches shall be neatly trimmed and not extend below, nor extend more than one-quarter inch beyond the corners of the mouth.

#### 1023.2.3 SIDEBURNS

Sideburns when worn alone, must not extend below the bottom of the outer ear opening and must be neatly trimmed and tapered in the same manner as the haircut. Sideburns must be straight and even width and end in a clean-shaven, horizontal line.

#### 1023.2.4 BEARDS / GOATEES

Beards must be worn in conjunction with a connecting mustache and must not exceed one-half inch in length. The appearance of all facial hair must be shaped and trimmed above the neckline. Stray hairs on the upper cheek will be shaven down to the beard's natural hairline to maintain a clean appearance.

Goatees must not exceed one-half inch in length and must connect the mustache and the hair grown on the chin. The goatee must not exceed one inch from the corner of the mouth and must not exceed one and a half inches below the chin.

- Beards/goatees that exhibit patchiness or incomplete growth will not be permitted.
- Beards/goatees must not interfere with the employee's ability to use personal protective equipment.

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- Colored or dyed beards/goatees(except dye used to match the officers natural hair color is prohibited.
- Faddish beards/goatees are prohibited
- Any supervisor may order an officer to shave a beard/goatee that does not conform to these standards.
- The Police Chief has final authority concerning approved beards/goatees and reserves the right to restrict the privilege of wearing beards/goatees at any time to preserve the image of the department and law enforcement profession.

#### **1023.2.5 FINGERNAILS**

Fingernails extending beyond the tip of the finger can pose a safety hazard to officers or others. For this reason, fingernails shall be trimmed so that no point of the nail extends beyond the tip of the finger.

#### **1023.2.6 JEWELRY AND ACCESSORIES**

No jewelry or personal ornaments shall be worn by officers on any part of the uniform or equipment, except those authorized within this manual. Jewelry, if worn around the neck, shall not be visible above the shirt collar.

Earrings shall not be worn by uniformed sworn members, investigators or special assignment personnel without permission of the Chief of Police or a designee. Only one ring may be worn on each hand of the employee while on-duty.

#### **1023.3 TATTOOS**

While on-duty or representing the Mount Healthy Police Department in any official capacity, tattoos are not permitted above the bottom of the neck nor past the wrist. At no time while the member is on-duty or representing the Department in any official capacity shall any offensive tattoo or body art be visible. Examples of offensive tattoos include but are not limited to those that exhibit or advocate discrimination; those that exhibit gang, supremacist, or extremist group affiliation; and those that depict or promote drug use, sexually explicit acts, or other obscene material.

#### **1023.4 BODY PIERCING OR ALTERATION**

Body piercing or alteration to any area of the body that is visible in any authorized uniform or attire, and is a deviation from normal anatomical features and that is not medically required is prohibited. Such body alteration includes, but is not limited to, the following:

- (a) Tongue splitting or piercing.
- (b) The complete or transdermal implantation of any material other than hair replacement or breast augmentation.
- (c) Abnormal shaping of the ears, eyes, nose or teeth.
- (d) Branding or scarification.

## Police Uniform Regulations

### 1024.1 PURPOSE AND SCOPE

See related Police Chief's General Order #24 Personal Grooming

The uniform policy of the Mount Healthy Police Department is established to ensure that uniformed officers, special assignment personnel and civilian employees will be readily identifiable to the public through the proper use and wearing of Department uniforms. Employees should also refer to the following associated policies:

- Firearms Policy
- Department-Owned and Personal Property Policy
- Body Armor Policy
- Personal Appearance Standards Policy

The uniform and equipment specifications manual is maintained and periodically updated by the Chief of Police or the authorized designee. The manual, and associated procedures, should be consulted regarding authorized equipment and uniform specifications.

The Mount Healthy Police Department will provide uniforms for all employees who are required to wear them in the manner, quantity and frequency agreed upon in the respective employee group's collective bargaining agreement.

### 1024.2 WEARING AND CONDITION OF UNIFORM AND EQUIPMENT

Police employees wear the uniform to be identified as the law enforcement authority in society. The uniform also serves an equally important purpose, which is to identify the wearer as a source of assistance in an emergency, crisis or other time of need.

- (a) Uniform and equipment shall be maintained in a serviceable condition and shall be ready at all times for immediate use. Uniforms shall be neat, clean and appear professionally pressed.
- (b) All peace officers of this department shall possess and maintain at all times, a serviceable uniform and the necessary equipment to perform uniformed field duty.
- (c) Personnel shall wear only the uniform specified for their rank and assignment.
- (d) Employees shall not loan any portion of the uniform to others.
- (e) Employees shall not permit the uniform to be reproduced or duplicated.
- (f) The uniform is to be worn in compliance with the specifications set forth in the Department's uniform specifications and procedures, which are maintained separately from this policy.
- (g) All supervisors will perform periodic inspections of their personnel to ensure conformance to these regulations.



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- (h) Civilian attire shall not be worn in combination with any distinguishable part of the uniform.
- (i) Uniforms are only to be worn while on-duty, while in transit to or from work, for court or at other official Department functions or events.
- (j) If the uniform is worn while in transit an outer garment shall be worn over the uniform shirt so as not to bring attention to the employee while off-duty.
- (k) Employees are not to purchase or drink alcoholic beverages while wearing any part of the Department uniform, including the uniform pants.
- (l) Mirrored sunglasses will not be worn with any Department uniform.
- (m) Visible jewelry, other than those items listed below, shall not be worn with the uniform, unless specifically authorized by the Chief of Police or a designee.
  - 1. Wrist watch.
  - 2. Wedding rings, class ring or other ring of tasteful design; a maximum of one ring/set may be worn on each hand.
  - 3. Medical alert bracelet.

#### **1024.2.1 DEPARTMENT ISSUED IDENTIFICATION**

The Department issues each employee an official Department identification card bearing the employee's name, identifying information and photo likeness. All employees shall be in possession of their Department-issued identification card at all times while on-duty or when carrying a concealed weapon.

- (a) Whenever on-duty or acting in an official capacity representing the Department, employees shall display their Department-issued identification in a courteous manner to any person upon request and as soon as practicable.
- (b) Officers working specialized assignments may be excused from the requirements regarding the possession and display of identification when directed by their Sergeant.

#### **1024.2.2 VERBAL IDENTIFICATION OVER THE TELEPHONE**

All employees, sworn or civilian, shall furnish their name, any applicable badge or identification number, and their assignment to any person requesting such information regarding matters in which the employee was acting in an official capacity. Names of employees will be given in sufficient form to fully identify the employee. The only exception is if the release of the information jeopardizes a covert operation.

#### **1024.3 INSIGNIA AND PATCHES**

- (a) The authorized shoulder patch supplied by the Department shall be machine stitched to the sleeves of all uniform shirts and jackets, three-quarters of an inch below the shoulder seam of the shirt, and be bisected by the crease in the sleeve.

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- (b) Service stripes and other indicators for length of service may be worn on long sleeved shirts and jackets. They are to be machine stitched onto the uniform. The bottom of the service stripe shall be sewn the width of one and one-half inches above the cuff seam with the rear of the service stripes sewn on the dress of the sleeve. The stripes are to be worn on the left sleeve only.
- (c) The regulation nameplate, or an authorized sewn-on cloth nameplate, shall be worn at all times while in uniform. The nameplate shall display the employee's first and last name. If an employee's first and last names are too long to fit on the nameplate, then the initial of the first name will accompany the last name. If the employee desires other than the legal first name, the employee must receive approval from the Chief of Police. The nameplate shall be worn and placed above the right pocket located in the middle, bisected by the pressed shirt seam, with equal distance from both sides of the nameplate to the outer edge of the pocket.
- (d) When a jacket is worn, the nameplate or an authorized sewn-on cloth nameplate shall be affixed to the jacket in the same manner as the uniform.
- (e) Assignment insignias, (e.g., SWAT, FTO or similar) may be worn as designated by the Chief of Police or a designee.
- (f) An American flag pin may be worn, centered above the nameplate. An American flag patch of a size not to exceed 3 inches by 5 inches may be worn on the sleeve or above the right front pocket using appropriate flag display etiquette.
- (g) The Department-issued badge, or an authorized sewn-on cloth replica, must be worn and be visible at all times while in uniform. Sworn non-uniform personnel will wear or carry their badge in a manner that the badge is in reasonable proximity to their firearm and able to be displayed whenever appropriate.
- (h) The designated insignia indicating the employee's rank must be worn at all times while in uniform. The Chief of Police or a designee may authorize exceptions.

#### 1024.3.1 MOURNING BADGE BAND

As directed by the Police Chief uniformed employees may wear a black mourning band across the uniform badge whenever a law enforcement officer is killed in the line of duty. See related Chief's General Order #18 Flag and Mourning Badge Protocol

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##### **1024.4 CIVILIAN ATTIRE**

There are assignments within the Department that do not require the wearing of a uniform because recognition and authority are not essential to their function. There are also assignments in which wearing civilian attire is necessary. Civilian attire is defined as conservative business attire. Blue jeans or denim material is prohibited unless preapproved by the Police Chief. Members will also comply with the following:

- (a) All employees shall wear clothing that fits properly, is clean and free of stains and not damaged or excessively worn.
- (b) All male administrative, investigative and support personnel who elect to wear civilian clothing to work shall wear button-style shirts with a collar, slacks or suits that are moderate in style.
- (c) All female administrative, investigative and support personnel who elect to wear civilian clothes to work shall wear dresses, slacks, shirts, blouses or suits that are moderate in style.
- (d) The following items shall not be worn on-duty:
  - 1. T-shirt alone.
  - 2. Open-toed sandals or thongs.
  - 3. Swimsuit, tube tops or halter tops.
  - 4. Spandex type pants or see-through clothing.
  - 5. Distasteful printed slogans, buttons or pins.
  - 6. Denim pants of any color.
  - 7. Shorts.
  - 8. Sweatshirts, sweatpants or similar exercise clothing.
- (e) Variations from this order are allowed at the discretion of the Chief of Police or a designee when the employee's assignment or current task is not conducive to wearing such clothing.
- (f) No item of civilian attire may be worn on-duty that would adversely affect the reputation of the Mount Healthy Police Department or the morale of the employees.
- (g) Sworn employees carrying firearms while wearing civilian attire should wear clothing that effectively conceals the firearm when outside a controlled law enforcement facility or work area.

##### **1024.5 POLITICAL ACTIVITIES, ENDORSEMENTS, ADVERTISEMENTS OR OTHER APPEARANCES IN UNIFORM**

Unless specifically authorized by the Chief of Police, Mount Healthy Police Department employees may not wear any part of the uniform, be photographed wearing any part of the uniform, utilize a Department badge, patch or other official insignia, or cause to be posted, published or displayed, the image of another employee, or identify him/herself as an employee of the Mount Healthy Police Department to do any of the following:

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- (a) Endorse, support, oppose or contradict any political campaign or initiative.
- (b) Endorse, support, oppose or contradict any social issue, cause or religion.
- (c) Endorse, support or oppose, any product, service, company or other commercial entity.
- (d) Appear in any commercial, social or nonprofit publication, or any motion picture, film, video, public broadcast, photo, any website or any other visual depiction.

#### **1024.6 UNAUTHORIZED UNIFORMS, EQUIPMENT AND ACCESSORIES**

Mount Healthy Police Department employees may not wear any uniform item, accessory or attachment unless specifically authorized in the uniform and equipment specifications manual or by the Chief of Police or a designee.

Mount Healthy Police Department employees may not use or carry any tool or other piece of equipment unless specifically authorized in the uniform and equipment specifications manual or by the Chief of Police or a designee.

## Police Cadets and Explorers

### 1025.1 PURPOSE AND SCOPE

Cadets and explorers work under direct supervision and perform a variety of routine and progressively advanced tasks in an apprenticeship program in preparation for a career in law enforcement. Cadets will be at least 18 years of age and no older than 21 years of age (ORC § 124.41).

### 1025.2 EDUCATION REQUIREMENTS

Cadets and explorers are required to maintain a minimum grade point average of 2.0 ("C" grade) for all courses taken. Cadets shall complete six semester units of college course work per semester and senior cadets shall complete 12 units per semester. High school age students shall continue to be enrolled in high school and maintain at least a 2.0 grade point average.

### 1025.3 PROGRAM COORDINATOR

The Police Chief will serve as the program coordinator. The program coordinator will be responsible for tracking the educational and job performance of cadets and explorers as well as making their individual assignments throughout the Department. The program coordinator will also monitor the training provided for all cadets and explorers and review all decisions affecting job assignments, status for compensation, school attendance and performance evaluations.

#### 1025.3.1 PROGRAM ADVISORS

The program coordinator may select individual officers to serve as advisors for the Cadet and Explorer Program. These officers will serve as mentors for each cadet and explorer. Cadets and explorers will bring special requests, concerns and suggestions to their program adviser for advice or direction before contacting the program coordinator. One adviser may be designated as the coordinator's assistant to lead scheduled meetings and training sessions involving the cadets and explorers. Multiple cadets and explorers may be assigned to each program adviser. Program advisors are not intended to circumvent the established chain of command. Any issues that may be a concern of the individual's supervisor should be referred back to the program coordinator.

### 1025.4 ORIENTATION AND TRAINING

Newly appointed cadets and explorers will receive an orientation of the organization and facilities before reporting to their first assignment. On-the-job training will be conducted in compliance with the Cadet and Explorer Training Manual. Training sessions will be scheduled as needed to train cadets and explorers for as many assignments as possible. In addition to job-specific training, information will be offered to prepare cadets and explorers to compete successfully in the police officer selection process, as well as the academy training. All training will focus on improving job performance, as well as preparation to become police officers. These meetings will also offer an opportunity to receive continuous feedback regarding progress of the program.

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#### *Police Cadets and Explorers*

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##### **1025.5 CADET AND EXPLORER UNIFORMS**

Each cadet and explorer will be provided two uniforms meeting the specifications described in the uniform and equipment specifications manual for civilian employees.

##### **1025.6 ROTATION OF ASSIGNMENTS**

Rotating job assignments should occur on a regular basis to enhance the career development for each cadet and explorer. Department needs and concerns will take precedence over individual cadet or explorer considerations, with the final decision resting with the Police Chief.

In general, senior cadets and explorers will be assigned to positions requiring more technical skill or responsibility, including training other cadets and explorers for new assignments.

##### **1025.7 RIDE-ALONG PROCEDURES**

All cadets and explorers are authorized to participate in the Ride-Along Program, provided ride-along standards are met, on their own time and as approved by their immediate supervisor and the appropriate Shift Supervisor. Applicable waivers must be signed in advance of the ride-along. Cadets and explorers shall wear their uniform while participating in a ride-along.

##### **1025.8 PERFORMANCE EVALUATIONS**

Performance evaluations for all cadets and explorers shall be completed monthly during their first year. After the first year, cadets, senior cadets, explorers and senior explorers will be evaluated annually to assess their current job performance and their potential as police officers.

## Nepotism and Conflicting Relationships

### 1026.1 PURPOSE AND SCOPE

The purpose of this policy is to ensure effective supervision, safety, security, performance, assignments and discipline while maintaining positive morale by avoiding actual or perceived favoritism, discrimination or other actual or potential conflicts of interest by or between members of this department.

#### 1026.1.1 DEFINITIONS

Definitions related to this policy include:

**Relative** - An employee's parent, stepparent, spouse, domestic partner, significant other, child (natural, adopted or step), sibling or grandparent.

**Personal Relationship** - Includes marriage, cohabitation, dating or any other intimate relationship beyond mere friendship.

**Business relationship** - Serving as an employee, independent contractor, compensated consultant, owner, board member, shareholder or investor in an outside business, company, partnership, corporation, venture or other transaction where the Department employee's annual interest, compensation, investment or obligation is greater than \$250.

**Conflict of Interest** - Any actual, perceived or potential conflict of interest in which it reasonably appears that a Department employee's action, inaction or decisions are or may be influenced by the employee's personal or business relationship.

**Supervisor** - An employee who has temporary or ongoing direct or indirect authority over the actions, decisions, evaluation and/or performance of a subordinate employee.

**Subordinate** - An employee who is subject to the temporary or ongoing direct or indirect authority of a supervisor.

### 1026.2 RESTRICTED DUTIES AND ASSIGNMENTS

While the Department will not prohibit personal or business relationships between employees, the following restrictions apply:

- (a) Employees are prohibited from directly supervising, occupying a position in the line of supervision or being directly supervised by any other employee who is a relative or with whom they are involved in a personal or business relationship.
  1. If circumstances require that such a supervisor/subordinate relationship exist temporarily, the supervisor shall make every reasonable effort to defer matters involving the involved employee to an uninvolved supervisor.
  2. When personnel and circumstances permit, the Department will attempt to make every reasonable effort to avoid placing employees in such supervisor/subordinate situations. The Department reserves the right to transfer or reassign

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#### *Nepotism and Conflicting Relationships*

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any employee to another position within the same classification as it may deem necessary in order to avoid conflicts with any provision of this policy.

- (b) Employees are prohibited from participating in, contributing to or recommending promotions, assignments, performance evaluations, transfers or other personnel decisions affecting an employee who is a relative or with whom they are involved in a personal or business relationship.
- (c) Whenever reasonably possible Field Training Officers (FTOs) and other trainers will not be assigned to train relatives. FTOs and other trainers are prohibited from entering into or maintaining personal or business relationships with any employee they are assigned to train until such time as the training has been successfully completed and the employee is off probation.
- (d) To avoid actual or perceived conflicts of interest, members of this department shall refrain from developing or maintaining personal or financial relationships with victims, witnesses or other individuals during the course of, or as a direct result of, any official contact.
- (e) Except as required in the performance of official duties or in the case of immediate relatives, employees shall not develop or maintain personal or financial relationships with any individual they know or reasonably should know is under criminal investigation, or is a convicted felon, parolee, fugitive, registered offender or who engages in intentional violations of state or federal laws.

#### 1026.2.1 EMPLOYEES RESPONSIBILITIES

Prior to entering into any personal or business relationship or other circumstance that the employee knows or reasonably should know could create a conflict of interest or other violation of this policy, employees shall promptly notify his/her uninvolved, immediate supervisor.

Whenever any employee is placed in circumstances that would require the employee to take enforcement action or provide other official information or services to any relative or other individual with whom the employee is involved in a personal or business relationship, the employee shall promptly notify his/her uninvolved immediate supervisor. In the event that no uninvolved supervisor is immediately available, the employee shall promptly notify the Communications Center to have another uninvolved employee either relieve the involved employee or minimally remain present to witness the action.

#### 1026.2.2 SUPERVISOR RESPONSIBILITIES

Upon being notified of or becoming aware of any circumstance that could result in or constitute an actual or potential violation of this policy, a supervisor shall take all reasonable steps to mitigate or avoid such violations whenever reasonably possible. Supervisors shall also promptly notify the Chief of Police or a designee of such actual or potential violations through the chain of command.



## Department Badges

### 1027.1 PURPOSE AND SCOPE

A Mount Healthy Police Department badge and uniform patch as well as the likeness of these items and the name of the Mount Healthy Police Department are property of the Department and their use shall be restricted as set forth in this policy.

### 1027.2 POLICY

The uniform badge shall be issued to Department members as a symbol of authority. The use and display of Department badges shall be in strict compliance with this policy. Only authorized badges issued by this department shall be displayed, carried or worn by members while on-duty or otherwise acting in an official or authorized capacity.

#### 1027.2.1 CIVILIAN PERSONNEL

Badges and Department identification cards issued to civilian personnel shall be clearly marked to reflect the position of the assigned employee (e.g., Police Clerk, Property Management Officer, etc.).

- (a) Civilian personnel shall not display any Department badge except as a part of his/her uniform and while on-duty or otherwise acting in an official and authorized capacity.
- (b) Civilian personnel shall not display any Department badge or represent him/herself, on- or off-duty, in such a manner which would cause a reasonable person to believe that he/she is a sworn officer.

#### 1027.2.2 RETIREE UNIFORM BADGE

Upon honorable retirement employees may purchase their assigned duty badge for display purposes. It is intended that the duty badge be used only as private memorabilia, as other uses of the badge may be unlawful or in violation of this policy.

### 1027.3 UNAUTHORIZED USE

Except as required for on-duty use by current employees, no badge designed for carry or display in a wallet, badge case or similar holder shall be issued to anyone other than a current or honorably retired peace officer.

Department badges are issued to all certified employees and civilian uniformed employees for official use only. The Department badge, shoulder patch or the likeness thereof, or the Department name shall not be used for personal or private reasons including, but not limited to, letters, memoranda and electronic communications, such as electronic mail or websites and web pages.

The use of the badge, uniform patch and Department name for all material (e.g., printed matter, products or other items) developed for Department use shall be subject to approval by the Chief of Police or a designee.

Employees shall not loan the badge or identification card to others and shall not permit the badge or identification card to be reproduced or duplicated.

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## *Department Badges*

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### **1027.4 PERMITTED USE BY EMPLOYEE GROUPS**

The likeness of the Department badge shall not be used without the express authorization of the Chief of Police or a designee and shall be subject to the following:

- (a) The employee associations may use the likeness of the Department badge for merchandise and official association business, provided it is used in a clear representation of the association and not the Mount Healthy Police Department. The following modifications shall be included:
  - 1. The text on the upper and lower ribbons is replaced with the name of the employee association.
  - 2. The badge number portion displays the acronym of the employee association.
- (b) The likeness of the Department badge for endorsement of political candidates shall not be used without the express approval of the Chief of Police or a designee.

## Temporary Modified-Duty Assignments

### 1028.1 PURPOSE AND SCOPE

See related Chief's General Order 10:Light Duty and Chief's General and Order 19: Injured on Duty.

This policy establishes procedures for providing temporary modified-duty assignments. This policy is not intended to affect the rights or benefits of employees under federal or state law, City rules or current collective bargaining agreements. For example, nothing in this policy affects the obligation of the Department to engage in a good faith, interactive process to consider reasonable accommodations for any employee with a temporary or permanent disability that is protected under federal or state law.

### 1028.2 POLICY

Subject to operational considerations, the Mount Healthy Police Department may identify temporary modified-duty assignments for employees who have an injury or medical condition resulting in temporary work limitations or restrictions. Given the size of the Mt. Healthy Police Department, the operational needs, and with medical approval, the only light-duty assignment available will be desk duty assigned to working ours of hours of 1500-2300. This is a temporary assignment which allows the employee to work, while providing the Department with a productive employee during the temporary period.

### 1028.3 GENERAL CONSIDERATIONS

Priority consideration for temporary modified-duty assignments will be given to employees with work-related injuries or illnesses that are temporary in nature. Employees having disabilities covered under the Americans with Disabilities Act (ADA) or the Ohio Civil Rights Act shall be treated equally, without regard to any preference for a work-related injury (ORC § 4112.01 et. seq.).

No position in the Mount Healthy Police Department shall be created or maintained as a temporary modified-duty assignment.

Temporary modified-duty assignments are a management prerogative and not an employee right. The availability of temporary modified-duty assignments will be determined on a case-by-case basis, consistent with the operational needs of the Department. Temporary modified-duty assignments are subject to continuous reassessment, with consideration given to operational needs and the employee's ability to perform in a modified-duty assignment.

The Chief of Police or the authorized designee may restrict employees working in temporary modified-duty assignments from wearing a uniform, displaying a badge, carrying a firearm, operating an emergency vehicle, engaging in outside employment, or being otherwise limited in employing their peace officer powers.

Temporary modified-duty assignments shall generally not exceed a cumulative total of 1,040 hours in any one-year period.

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#### *Temporary Modified-Duty Assignments*

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##### **1028.4 PROCEDURE**

Employees may request a temporary modified-duty assignment for short-term injuries or illnesses.

Employees seeking a temporary modified-duty assignment should submit a written request to their Squad Sergeant or the authorized designees. The request should, as applicable, include a certification from the treating medical professional containing:

- (a) An assessment of the nature and probable duration of the illness or injury.
- (b) The prognosis for recovery.
- (c) The nature and scope of limitations and/or work restrictions.
- (d) A statement regarding any required workplace accommodations, mobility aids or medical devices.
- (e) A statement that the employee can safely perform the duties of the temporary modified-duty assignment.

The Squad Sergeant will make a recommendation through the chain of command to the Chief of Police regarding temporary modified-duty assignments that may be available based on the needs of the Department and the limitations of the employee. The Chief of Police or the authorized designee shall confer with the City Manager or the City Attorney as appropriate.

##### **1028.5 MEDICAL EXAMINATIONS**

Prior to returning to full-duty status, employees shall be required to provide certification from their treating medical professionals stating that they are medically cleared to perform the essential functions of their jobs without restrictions or limitations. All employees returning to full-duty from an off-duty or on-duty injury must also be cleared by the Department's Occupational Medical provider prior to full-duty status designation.

The Department may require a fitness-for-duty examination prior to returning an employee to full-duty status, in accordance with the Fitness for Duty Policy.

##### **1028.6 PREGNANCY**

If an employee is temporarily unable to perform regular duties due to a pregnancy, childbirth, or a related medical condition, the employee will be treated the same as any other temporarily disabled employee (42 USC § 2000e(k); ORC § 4112.025). A pregnant employee shall not be involuntarily transferred to a temporary modified-duty assignment.

###### **1028.6.1 NOTIFICATION**

Pregnant employees should notify their immediate supervisors as soon as practicable and provide a statement from their medical providers identifying any pregnancy-related job restrictions or limitations. If at any point during the pregnancy it becomes necessary for the employee to take a leave of absence, such leave shall be granted in accordance with the City's personnel rules and regulations regarding family and medical care leave.

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## *Temporary Modified-Duty Assignments*

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### **1028.7 PROBATIONARY EMPLOYEES**

Probationary employees who are assigned to a temporary modified-duty assignment shall have their probation extended by a period of time equal to their assignment to temporary modified duty.

### **1028.8 MAINTENANCE OF CERTIFICATION AND TRAINING**

Employees assigned to temporary modified duty shall maintain all certification, training and qualifications appropriate to both their regular and temporary duties, provided that the certification, training or qualifications are not in conflict with any medical limitations or restrictions. Employees who are assigned to temporary modified duty shall inform their supervisors of any inability to maintain any certification, training or qualifications. A sworn officer who is unable to attend firearms qualifications due to extended illness or injury will have their police powers suspended until such time as they qualify with their firearm.

## Performance History Audits

### 1029.1 PURPOSE AND SCOPE

See related Police Chief's General Order 34: Employee Supplemental Log (ESL)

Performance History Audits are collections of data designed to assist supervisors in evaluating the performance of their employees. Performance History Audits can help identify commendable performance as well as early recognition of training needs and other potential issues. While it is understood that the statistical compilation of data may be helpful to supervisors, it cannot account for and must be carefully balanced with the many variables in law enforcement, such as:

- An officer's ability to detect crime
- An officer's work ethic
- An officer's work assignment and shift
- An officer's physical abilities, stature, etc.
- Randomness of events [Executive Order: 13929]

### 1029.2 RESPONSIBILITIES

Under the authority of the Police Chief, a designated Sergeant will compile monthly performance indicators and other relevant data to generate a Performance History Audit Report for each officer.

### 1029.3 COMPONENTS OF PERFORMANCE HISTORY AUDITS

Performance History Audit will include the following components:

- Performance indicators
- Data analysis
- Employee review
- Follow-up monitoring

### 1029.4 PERFORMANCE INDICATORS

Performance indicators represent the categories of employee performance activity that the Chief of Police or a designee of Mount Healthy Police Department has determined may be relevant data for the generation and analysis of Performance History Audits. Performance indicators may include, but are not limited to:

- (a) The frequency and findings of use-of-force incidents.
- (b) The frequency and findings of display of firearm incidents.
- (c) Frequency of involvement and conduct during vehicle pursuits.
- (d) Frequency and findings of citizen complaints.
- (e) Number of commendations, compliments and awards (citizen and Department).
- (f) Claims and civil suits related to the employee's actions or alleged actions.

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#### *Performance History Audits*

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- (g) Canine bite incidents.
- (h) Internal affairs investigations.
- (i)
- (j)
- (k)
- (l)
- (m)

The Sergeant assigned to Performance History Audits will notify the Police Chief when when any of the following situations are known and conduct a preliminary review whenever any of the following situations are known:

- Four instances of involvement in a use-of-force incident within 180 days.
- Six instances of involvement in a display of firearm incident within 180 days.
- Four instances of involvement in a vehicle pursuit within 180 days.
- Four instances of involvement in a citizen complaint within 180 days.
- When an officer receives a commendation, compliment or award a minimum of an entry into the Employee Supplemental Log will be made.
- Two instances of claims and or civil suits within 180 days.
- Two instances of involvement in canine bites within 180 days.
- Three instances of being involved in a internal affairs investigation (excluding findings of exonerated) within 6 months.

#### **1029.5 COMPILATION OF DATA**

The Police Chief will utilize secure systems and other methods to compile and track performance indicators for each officer during each quarter in order to prepare Performance History Audit Reports.

#### **1029.6 EMPLOYEE NOTIFICATION AND RESPONSE**

The Squad Sergeant will notify each officer prior to retaining any negative performance indicator for entry into a Performance History Audit Report or the Employee Supplemental Log.

#### **1029.7 DATA ANALYSIS AND ACTION**

Upon receipt, the Police Chief will review each Performance History Audit Report and determine whether additional action is required. The officer's immediate supervisor will carefully review the Performance History Audit Report with the officer to assess any potential trends or other issues that may warrant informal counseling, additional training or a recommendation for other action, including discipline. The officer shall date and sign the Performance History Audit Report and may be provided a copy of the report upon request.

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If a supervisor determines that an officer's performance warrants action beyond informal counseling, the supervisor shall advise the Police Chief of such recommendation. If the Police Chief concurs with the recommendation of the supervisor, he/she shall take steps to initiate the appropriate remedial action.

(PEAP) Public Employees Assistance Program is available to employees on a voluntary and policy mandated basis. If discipline or other adverse remedial action is initiated against an officer as a result of a Performance History Audit, the officer shall be entitled to all rights and process set forth in the Personnel Complaints Policy.

#### **1029.7.1 ANNUAL EVALUATION**

The assigned sergeant will complete an annual report to the Chief of Police outlining any actions taken during the reporting period as a result of the Performance History Audit process. The report will also include an evaluation of the system to determine if it meets the needs of the agency in identifying potential issues involving its employees.

#### **1029.8 CONFIDENTIALITY OF DATA**

Information, data and copies of material compiled to develop Performance History Audits Reports shall be considered part of the employee's personnel file and will not be subject to discovery or release except as provided by law. Access to the data in the system will be governed under the same process as access to an officer's personnel file as outlined in the Personnel Files Policy.

#### **1029.9 RETENTION AND PURGING**

Except as incorporated in separate training or disciplinary records, all performance indicators and Performance History Audit Reports shall be purged from the employees file in accordance with the Records Retention Scheduled



# Employee Speech, Expression and Social Networking

## 1030.1 PURPOSE AND SCOPE

This policy is intended to address issues associated with employee use of social networking sites and to provide guidelines for the regulation and balance of employee speech and expression with the needs of the Department.

Nothing in this policy is intended to prohibit or infringe upon any communication, speech or expression that is protected or privileged under law. This includes speech and expression protected under state or federal constitutions as well as labor or other applicable laws. For example, this policy does not limit an employee from speaking as a private citizen, including acting as an authorized member of a recognized bargaining unit or officer associations, about matters of public concern, such as misconduct or corruption.

Employees are encouraged to consult with their supervisor regarding any questions arising from the application or potential application of this policy.

### 1030.1.1 APPLICABILITY

This policy applies to all forms of communication including, but not limited to film, video, print media or public speech, use of all Internet services, including the World Wide Web, e-mail, file transfer, remote computer access, news services, social networking, social media, instant messaging, blogs, forums, wikis, video and other file sharing sites.

## 1030.2 POLICY

Because public employees occupy a trusted position in the community, and thus, their statements have the potential to contravene the policies and negatively impact the performance of this department. Due to the nature of the work and influence associated with the law enforcement profession, it is necessary that employees of this department be subject to certain reasonable limitations on their speech and expression. To achieve its mission and efficiently provide service to the public the Mount Healthy Police Department will carefully balance the individual employee's rights against the organization's needs and interests when exercising a reasonable degree of control over its employees' speech and expression.

## 1030.3 SAFETY

Employees should carefully consider the implications of their speech or any other form of expression when using the Internet. Speech and expression that may negatively affect the safety of Mount Healthy Police Department employees, such as posting personal information in a public forum, can result in compromising an employee's home address or family ties. Employees should therefore not disseminate or post any information on any forum or medium that could reasonably be expected to compromise the safety of any employee, employee's family or associates or persons that this department has had professional contact with, such as crime victims or the staff

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#### *Employee Speech, Expression and Social Networking*

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of other organizations. Examples of the type of information that could reasonably be expected to compromise safety include:

- Disclosing a photograph and name or address of an officer who is working undercover.
- Disclosing the address of a fellow officer.
- Otherwise disclosing where another officer can be located off-duty.

#### **1030.4 PROHIBITED SPEECH, EXPRESSION AND CONDUCT**

To meet the department's safety, performance and public-trust needs, the following are prohibited unless the speech is otherwise protected (for example, an employee speaking as a private citizen, including acting as an authorized member of a recognized bargaining unit or officer associations, on a matter of public concern):

- (a) Speech or expression made pursuant to an official duty that tends to compromise or damage the mission, function, reputation or professionalism of the Mount Healthy Police Department or its employees.
- (b) Speech or expression that, while not made pursuant to an official duty, is significantly linked to, or related to, the Mount Healthy Police Department and tends to compromise or damage the mission, function, reputation or professionalism of the Mount Healthy Police Department or its employees. Examples may include:
  1. Statements that indicate disregard for the law of the state or U.S. Constitution.
  2. Expression that demonstrates support for criminal activity.
  3. Participating in sexually explicit photographs or videos for compensation or distribution.
- (c) Speech or expression that could reasonably be foreseen as having a negative impact on the credibility of the employee as a witness. For example, posting statements or expressions to a website that glorify or endorse dishonesty, unlawful discrimination or illegal behavior.
- (d) Speech or expression of any form that could reasonably be foreseen as having a negative impact on the safety of the employees of the Department. For example, a statement on a blog that provides specific details as to how and when prisoner transportations are made could reasonably be foreseen as potentially jeopardizing employees by informing criminals of details that could facilitate an escape or attempted escape.
- (e) Speech or expression that is contrary to the canons of the Law Enforcement Code of Ethics as adopted by the Mount Healthy Police Department.
- (f) Use or disclosure, through whatever means, of any information, photograph, video or other recording obtained or accessible as a result of employment with the Department for financial or personal gain, data classified as confidential by state or federal law

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or any disclosure of such materials without the express authorization of the Chief of Police or the authorized designee.

- (g) Posting, transmitting or disseminating any photographs, video or audio recordings, likenesses or images of department logos, emblems, uniforms, badges, patches, marked vehicles, equipment or other material that specifically identifies the Mount Healthy Police Department on any personal or social networking or other website or web page without the express authorization of the Chief of Police.
- (h) Accessing websites for non-authorized purposes, or use of any personal communication device, game device or media device, whether personally or department-owned, for personal purposes while on-duty, except in the following circumstances:
  1. When brief personal communication may be warranted by the circumstances (e.g., inform family of extended hours).
  2. During authorized breaks; such usage should be limited as much as practicable to areas out of sight and sound of the public and shall not be disruptive to the work environment.

Employees must take reasonable and prompt action to remove any content, including content posted by others, that is in violation of this policy from any web page or website maintained by the employee (e.g., social or personal website).

#### 1030.4.1 UNAUTHORIZED ENDORSEMENTS AND ADVERTISEMENTS

While employees are not restricted from engaging in the following activities as private citizens or as authorized members of a recognized bargaining unit or officer associations, employees may not represent the Mount Healthy Police Department or identify themselves in any way that could be reasonably perceived as representing the Mount Healthy Police Department in order to do any of the following, unless specifically authorized by the Chief of Police:

- (a) Endorse, support, oppose or contradict any political campaign or initiative.
- (b) Endorse, support, oppose or contradict any social issue, cause or religion.
- (c) Endorse, support, or oppose any product, service, company or other commercial entity.
- (d) Appear in any commercial, social or nonprofit publication or any motion picture, film, video, public broadcast or any website.

Additionally, when it can reasonably be construed that an employee acting in his/her individual capacity or through an outside group or organization (e.g. bargaining group), is affiliated with this department, the employee shall give a specific disclaiming statement that any such speech or expression is not representative of the Mount Healthy Police Department.

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Employees retain their right to vote as they choose, to support candidates of their choice and to express their opinions as private citizens, including as authorized members of a recognized bargaining unit or officer associations, on political subjects and candidates at all times while off-duty. However, employees may not use their official authority or influence to interfere with or affect the result of an election or a nomination for office. Employees are also prohibited from directly or indirectly using their official authority to coerce, command or advise another employee to pay, lend or contribute anything of value to a party, committee, organization, agency or person for political purposes (5 USC § 1502).

#### **1030.5 PARTISAN POLITICAL ACTIVITY**

Employees are restricted in partisan political activity based on the following (ORC § 124.57):

- (a) Classified employees are prohibited from engaging in political activity, directly or indirectly, orally or by letter, soliciting or receiving any assessment, subscription or contribution for any political party or for any candidate for public office. In addition, they may not solicit or receive any assessment, subscription, or contribution for any political party or for any candidate for public office.
- (b) Unclassified service employees are prohibited from participating in any political activity during duty time and from soliciting political contributions from any state employee.

#### **1030.6 PRIVACY EXPECTATION**

Members forfeit any expectation of privacy with regard to emails, texts or anything published or maintained through file-sharing software or any Internet site (e.g., Facebook, MySpace) that is accessed, transmitted, received or reviewed on any department technology system (see the Information Technology Use Policy for additional guidance).

#### **1030.7 CONSIDERATIONS**

In determining whether to grant authorization of any speech or conduct that is prohibited under this policy, the factors that the Chief of Police or authorized designee should consider include:

- (a) Whether the speech or conduct would negatively affect the efficiency of delivering public services.
- (b) Whether the speech or conduct would be contrary to the good order of the Department or the efficiency or morale of its members.
- (c) Whether the speech or conduct would reflect unfavorably upon the Department.
- (d) Whether the speech or conduct would negatively affect the member's appearance of impartiality in the performance of his/her duties.
- (e) Whether similar speech or conduct has been previously authorized.
- (f) Whether the speech or conduct may be protected and outweighs any interest of the Department.

## Department Review Board

### 1031.1 PURPOSE AND SCOPE

A Police Review Board has been adopted by the City of Mt. Healthy to provide the Department with review and advice on issues concerning police officers.

### 1031.2 APPOINTMENT OF REVIEW PANEL

Board members are required to be appointed and trained. Once appointed and trained, the Chief of Police may, at his/her discretion, empanel by random selection from members of the review board a review panel of the required size. One of the members shall be assigned as the chairperson.

### 1031.3 REVIEW PANEL DUTIES

Review panels are provided specific duties and responsibilities, including that the panel:

- (a) May refer a complaint against an officer to the Department.
- (b) May review an internal investigation of an officer and make recommendations regarding any disciplinary action against the officer.
- (c) Shall be provided any personnel file or other material necessary for the panel to conduct a review.
- (d) Shall provide an officer who is the subject of a review with reasonable notice and an opportunity to be heard.
- (e) Shall provide a report from the chairperson of the findings and recommendation of the panel regarding disciplinary action to the Chief of Police.

### 1031.4 PROCEEDINGS

Proceedings of the review panel are closed to the public, as allowed by law.

### 1031.5 APPEAL OF REVIEW BOARD FINDINGS

The City of Mt. Healthy has specified the manner for conducting appeals, and may provide for, if both parties agree, without limitation, mediation, conciliation or review by another panel of randomly selected members of the review board. If the appeal is heard by another panel of the review board, the determination made by the panel hearing the appeal is final and binding, and is not subject to judicial review.

### 1031.6 REVIEW PANEL RECORDS

The findings and recommendations of a review panel are public records, unless otherwise declared confidential by state or federal law, and shall be retained in compliance with the organization's records retention schedule.

## Illness and Injury Prevention

### 1032.1 PURPOSE AND SCOPE

The purpose of this policy is to establish an ongoing and effective plan to reduce the incidence of illness and injury for members of the Mount Healthy Police Department, in accordance with the requirements of the Ohio Public Employment Risk Reduction Program (PERRP) (ORC § 4167.01 et seq.).

This policy specifically applies to illness and injury that results in lost time or that requires medical treatment beyond first aid. Although this policy provides the essential guidelines for a plan that reduces illness and injury, it may be supplemented by procedures outside the Policy Manual.

This policy does not supersede, but supplements any related Citywide safety efforts.

### 1032.2 POLICY

The Mount Healthy Police Department is committed to providing a safe environment for its members and visitors and to minimizing the incidence of work-related illness and injuries. The Department will establish and maintain an illness and injury prevention plan and will provide tools, training and safeguards designed to reduce the potential for accidents, illness and injuries. It is the intent of the Department to comply with all laws and regulations related to occupational safety.

### 1032.3 ILLNESS AND INJURY PREVENTION PLAN

The Sergeant is responsible for developing an illness and injury prevention plan that shall include:

- (a) Workplace safety and health training programs.
- (b) Regularly scheduled safety meetings.
- (c) Posted or distributed safety information.
- (d) A system for members to anonymously inform management about workplace hazards.
- (e) Establishment of a safety and health committee that will:
  1. Meet regularly.
  2. Prepare a written record of safety and health committee meetings.
  3. Review the results of periodic scheduled inspections.
  4. Review investigations of accidents and exposures.
  5. Make suggestions to command staff for the prevention of future incidents.
  6. Review investigations of alleged hazardous conditions.
  7. Submit recommendations to assist in the evaluation of member safety suggestions.
  8. Assess the effectiveness of efforts made by the Department to meet applicable standards.
- (f) Establishing a process to ensure illnesses and injuries are reported as required under PERRP (OAC § 4167-6-01).

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#### **1032.4 ADMINISTRATION SERGEANT RESPONSIBILITIES**

The responsibilities of the Sergeant include but are not limited to:

- (a) Managing and implementing a plan to reduce the incidence of member illness and injury.
- (b) Ensuring that a system of communication is in place that facilitates a continuous flow of safety and health information between supervisors and members. This system shall include:
  - 1. New member orientation that includes a discussion of safety and health policies and procedures.
  - 2. Regular member review of the illness and injury prevention plan.
- (c) Ensuring that all safety and health policies and procedures are clearly communicated and understood by all members.
- (d) Taking reasonable steps to ensure that all members comply with safety rules in order to maintain a safe work environment. This includes but is not limited to:
  - 1. Informing members of the illness and injury prevention guidelines.
  - 2. Recognizing members who perform safe work practices.
  - 3. Ensuring that the member evaluation process includes member safety performance.
  - 4. Ensuring department compliance to meet standards regarding the following:
    - (a) Communicable diseases (OAC § 4167-3-05; 29 CFR 1910.1030)
    - (b) Heat and cold stress
    - (c) Personal Protective Equipment (PPE) (See the Personal Protective Equipment Policy)
    - (d) Emergency Action Plan (OAC § 4167-3-05; 29 CFR 1910.38)
    - (e) Employment risk reduction standards (ORC § 4167.07)
- (e) Making available the hazards and correction record to document inspections, any unsafe condition or work practice, and actions taken to correct unsafe conditions and work practices.
- (f) Making available the investigation/corrective action report to document individual incidents or accidents.
- (g) Making available a form to document the safety and health training of each member. This form will include the member's name or other identifier, training dates, type of training, and training providers.
- (h) Preparing the annual summary of work-related illnesses and injuries by January 15 of each year and forwarding the report to the Chief of Police for approval. Once approved, the report shall be sent to PERRP no later than February 1 for the previous year (OAC § 4167-6-01).
- (i) Conducting and documenting a regular review of the illness and injury prevention plan.

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#### **1032.5 SUPERVISOR RESPONSIBILITIES**

Supervisor responsibilities include but are not limited to:

- (a) Ensuring member compliance with illness and injury prevention guidelines and answering questions from members about this policy.
- (b) Training, counseling, instructing, or making informal verbal admonishments any time safety performance is deficient. Supervisors may also initiate discipline when it is reasonable and appropriate under the Standards of Conduct Policy.
- (c) Establishing and maintaining communication with members on health and safety issues. This is essential for an injury-free, productive workplace.
- (d) Completing required forms and reports relating to illness and injury prevention, including injury and illness reports (OAC § 4167-6-01); such forms and reports shall be submitted to the Administration Sergeant.
- (e) Notifying the Administration Sergeant when:
  - 1. New substances, processes, procedures, or equipment that present potential new hazards are introduced into the work environment.
  - 2. New, previously unidentified hazards are recognized.
  - 3. Occupational illnesses and injuries occur.
  - 4. New and/or permanent or intermittent members are hired or reassigned to processes, operations, or tasks for which a hazard evaluation has not been previously conducted.
  - 5. Workplace conditions warrant an inspection.
- (f) Reporting incidents to the Ohio Bureau of Workers' Compensation - Division of Safety and Hygiene that involve the death of a member, the hospitalization of one or more employees, an employee's amputation, or an employee's loss of an eye (OAC § 4167-6-10).

#### **1032.6 HAZARDS**

All members should report and/or take reasonable steps to correct unsafe or unhealthy work conditions, practices or procedures in a timely manner. Members should make their reports to a supervisor (as a general rule, their own supervisors).

Supervisors should make reasonable efforts to correct unsafe or unhealthy work conditions in a timely manner, based on the severity of the hazard. These hazards should be corrected when observed or discovered, when it is reasonable to do so. When a hazard exists that cannot be immediately abated without endangering members or property, supervisors should protect or remove all exposed members from the area or item, except those necessary to correct the existing condition.

Members who are necessary to correct the hazardous condition shall be provided with the necessary protection.



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All significant actions taken and dates they are completed shall be documented on a hazards and correction record form. This form should be forwarded to the Sergeant via the chain of command.

The Sergeant will take appropriate action to ensure the illness and injury prevention plan addresses potential hazards upon such notification.

#### **1032.7 INSPECTIONS**

Safety inspections are crucial to a safe work environment. These inspections identify and evaluate workplace hazards and permit mitigation of those hazards. A hazard assessment checklist should be used for documentation and to ensure a thorough assessment of the work environment.

The Sergeant shall ensure that the appropriate documentation is completed for each inspection.

##### 1032.7.1 EQUIPMENT

Members are charged with daily vehicle inspections of their assigned vehicles and of their PPE prior to working in the field. Members shall complete a hazards and correction record form if an unsafe condition cannot be immediately corrected. Members should forward this form to their supervisors.

#### **1032.8 INVESTIGATIONS**

Any member sustaining any work-related illness or injury, as well as any member who is involved in any accident or hazardous substance exposure while on-duty shall report such event as soon as practicable to a supervisor. Members observing or learning of a potentially hazardous condition are to promptly report the condition to their immediate supervisors.

A supervisor receiving such a report should personally investigate the incident or ensure that an investigation is conducted. Investigative procedures for workplace accidents and hazardous substance exposures should include:

- (a) A visit to the accident scene as soon as possible.
- (b) An interview of the injured member and witnesses.
- (c) An examination of the workplace for factors associated with the accident/exposure.
- (d) Determination of the cause of the accident/exposure.
- (e) Corrective action to prevent the accident/exposure from reoccurring.
- (f) Documentation of the findings and corrective actions taken.
- (g) Completion of an investigation/corrective action report.
- (h) Completion of a hazards and correction record form.

Additionally, the supervisor should proceed with the steps to report an on-duty injury, as required under the Injury and Illness Reporting Policy, in conjunction with this investigation to avoid duplication and ensure timely reporting.

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#### **1032.9 TRAINING**

The Sergeant should work with the Police Chief to provide all members, including supervisors, with training on general and job-specific workplace safety and health practices. Training shall be provided:

- (a) To supervisors to familiarize them with the safety and health hazards to which members under their immediate direction and control may be exposed.
- (b) To all members with respect to hazards specific to each member's job assignment.
- (c) To all members given new job assignments for which training has not previously been provided.
- (d) Whenever new substances, processes, procedures or equipment are introduced to the workplace and represent a new hazard.
- (e) Whenever the Department is made aware of a new or previously unrecognized hazard.

#### **1032.9.1 TRAINING TOPICS**

The Police Clerk shall ensure that training includes:

- (a) Reporting unsafe conditions, work practices and injuries, and informing a supervisor when additional instruction is needed.
- (b) Use of appropriate clothing, including gloves and footwear.
- (c) Use of respiratory equipment.
- (d) Availability of toilet, hand-washing and drinking-water facilities.
- (e) Provisions for medical services and first aid.
- (f) Handling of bloodborne pathogens and other biological hazards.
- (g) Prevention of heat and cold stress.
- (h) Identification and handling of hazardous materials, including chemical hazards to which members could be exposed, and review of resources for identifying and mitigating hazards (e.g., hazard labels, Safety Data Sheets (SDS)).
- (i) Mitigation of physical hazards, such as heat and cold stress, noise, and ionizing and non-ionizing radiation.
- (j) Identification and mitigation of ergonomic hazards, including working on ladders or in a stooped posture for prolonged periods.
- (k) Back exercises/stretchers and proper lifting techniques.
- (l) Avoidance of slips and falls.
- (m) Good housekeeping and fire prevention.
- (n) Other job-specific safety concerns.

#### **1032.9.2 HAZMAT AWARENESS**

#### **Awareness Level Training for CBRN and HAZMAT**

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The Ohio Peace Officer Training Commission provides Awareness Level training during Peace Officer Basic Training for events involving chemical, biological, radiological and nuclear weapons (CBRN) and hazardous materials. The purpose of this training is to provide law enforcement officers with the basic knowledge to recognize a CBRN or hazardous material situation and immediately implement basic procedures to have authorities with the technical ability to assess the situation. Further, the training provides law enforcement personnel with the understanding of basic self-protection measures for themselves and others, while also being able to protect the incident scene and controlling the area to prevent unauthorized or unknowing persons from entering a possible contamination zone.

#### Basic Response Guidelines to CBRN or HAZMAT Situations

Upon locating a scene or incident involving hazardous materials or CBRN the initial or primary officer shall respond as follows:

#### Response

- response procedures in accordance with department directives. The primary officer assigned to the call shall respond to the scene using proper
- Upon arrival, the officer shall size up the incident and attempt to determine nature and extent of the incident.
- Request additional officers, fire, EMS and Hazmat personnel based upon an initial size up of the situation. Advise additional responding officers, resources and EMS units to continue responding emergent, or to utilize normal response procedures.
- Advise additional responding units and agencies of the command post and staging locations as well as a safe route of entry. An incident involving CBRN and/or Hazmat may be a protracted incident requiring both the Police and Fire departments cooperation and leadership. These events may be a Unified Command injunction with the Fire Department.

#### Responsibilities at the Scene

- Do not approach the immediate hazard, handle, or touch any items or victims. Approach and position himself upwind, upstream, and uphill from the incident.
- Observe the scene from a safe distance and remain cognizant of any visible clouds, leaks, spills, odors, vapors, or gases seen or perceived.
- From a safe distance observe the locations and conditions of possible victims.
- Watch for clues to include, but not limited to conditions of any vehicle, buildings, or people in the area and/or containers, shape, size, condition, color, markings, placards or labels and/or, condition of animals and foliage.
- Consider the possibility of secondary devices or hazards.
- Notify the Hamilton County Communications Center and responding units of known and possible hazards identified.

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- Determine exact location of incident and obtain a command channel from the Clermont County Communication Center.
- Communicate information gathered regarding the incident to the communications center and shift supervisor.
- Directive 46.1 and assume command of the Mount Healthy Police Department. Establish ICS in accordance with the scene until the arrival of a supervisor or more qualified individual.
- Establish a perimeter and evaluate need to evacuate nearby people or structures.
- Protect the scene, restricting access only to essential/qualified personnel inside the perimeter.
- Identify location of any victims, if possible.
- Establish a central triage area for victims and advise incoming medical units of the location.
- Establish a holding area for contaminated victims and witnesses. Do not attempt to rescue victims within a contaminated area without proper personal protective equipment (PPE). Verbal instructions may be used to direct ambulatory victims out of the contaminated area into the appropriate holding area.
- Identify witnesses and secure them.
- Maintain command of the scene until the arrival of a supervisor or more qualified individual.
- Transfer command through a complete face to face situation briefing. Notify the Hamilton County Communications Center and all personnel on scene when command has been transferred.

#### **1032.10 RECORDS**

Records and training documentation relating to illness and injury prevention will be maintained in accordance with this policy and state law (OAC § 4167-6-01; OAC § 4167-6-09).

##### **1032.10.1 MONITORING AND MEASURING**

The Department shall maintain accurate records of employee exposure to potentially toxic materials, carcinogenic materials and harmful physical agents that are required to be monitored or measured under any Ohio PERRP standard (OAC § 4167-6-09).

Each affected employee or employee representative shall have the opportunity to observe and/or participate in any monitoring or measuring of such regulated exposures and may undertake his/her own monitoring or measuring of such regulated exposures (OAC § 4167-6-09).

##### **1032.10.2 RETENTION OF RECORDS**

All records and reports required to be maintained in accordance with the Ohio PERRP shall be retained for five years (OAC § 4167-6-01).

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### 1032.10.3 ACCESS TO RECORDS

The Department shall provide, upon request, records for inspection and copying by any state or county representative as allowed by law. In addition, the Department shall post a copy of the annual summary report as required by OAC § 4167-6-01.

Current or former employees may review records regarding the individual employee's exposure as well as the required log and summary of all recordable occupational injuries and illnesses (OAC § 4167-6-01; OAC § 4167-6-09).

## Line-of-Duty Deaths

### 1033.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance to members of the Mount Healthy Police Department in the event of the death of a member or serious injury occurring in the line of duty and to direct the Department in providing proper support for the member's survivors.

The Chief of Police may also apply some or all of this policy in situations where members are injured in the line of duty and the injuries are life-threatening.

#### 1033.1.1 DEFINITIONS

Definitions related to this policy include:

**Line-of-duty death** - The death of a sworn member during the course of performing law enforcement-related functions while on- or off-duty, or a civilian member during the course of performing their assigned duties.

**Survivors** - Immediate family members of the deceased member, which can include spouse, children, parents, other next of kin or significant others. The determination of who should be considered a survivor for purposes of this policy should be made on a case-by-case basis given the individual's relationship with the member and whether the individual was previously designated by the deceased member.

### 1033.2 POLICY

It is the policy of the Mount Healthy Police Department to make appropriate notifications and to provide assistance and support to survivors and coworkers of a member who dies in the line of duty.

It is also the policy of this department to respect the requests of the survivors when they conflict with these guidelines, as appropriate.

### 1033.3 INITIAL ACTIONS BY COMMAND STAFF

- (a) Upon learning of a line-of-duty death, the deceased member's supervisor should provide all reasonably available information to the Shift Supervisor and the Communications Center.
  1. Communication of information concerning the member and the incident should be restricted to secure networks to avoid interception by the media or others (see the Public Information Officer section of this policy).
- (b) The Shift Supervisor should ensure that notifications are made in accordance with the Officer-Involved Shootings and Deaths and Major Incident Notification policies as applicable.
- (c) If the member has been transported to the hospital, the Shift Supervisor or the designee should respond to the hospital to assume temporary responsibilities as the Hospital Liaison.

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- (d) The Chief of Police or the authorized designee should assign members to handle survivor notifications and assign members to the roles of Hospital Liaison (to relieve the temporary Hospital Liaison) and the Department Liaison as soon as practicable (see the Notifying Survivors section and the Department Liaison and Hospital Liaison subsections in this policy).

#### **1033.4 NOTIFYING SURVIVORS**

Survivors should be notified as soon as possible in order to avoid the survivors hearing about the incident in other ways. A review of line of duty death related resources shall periodically be conducted to ensure contact numbers and support information remains contemporary and appropriate for distribution to affected families and beneficiaries.

The Chief of Police or the authorized designee should review the deceased member's emergency contact information and make accommodations to respect the member's wishes and instructions specific to notifying survivors. However, notification should not be excessively delayed because of attempts to assemble a notification team in accordance with the member's wishes.

The Chief of Police, Shift Supervisor or the authorized designee should select at least two members to conduct notification of survivors, one of which may be the Department Chaplain.

Notifying members should:

- (a) Make notifications in a direct and compassionate manner, communicating as many facts of the incident as possible, including the current location of the member. Information that is not verified should not be provided until an investigation has been completed.
- (b) Determine the method of notifying surviving children by consulting with other survivors and taking into account factors such as the child's age, maturity and current location (e.g., small children at home, children in school).
- (c) Plan for concerns such as known health concerns of survivors or language barriers.
- (d) Offer to transport survivors to the hospital, if appropriate. Survivors should be transported in department vehicles. Notifying members shall inform the Hospital Liaison over a secure network that the survivors are on their way to the hospital and should remain at the hospital while the survivors are present.
- (e) When survivors are not at their residences or known places of employment, actively seek information and follow leads from neighbors, other law enforcement, postal authorities and other sources of information in order to accomplish notification in as timely a fashion as possible. Notifying members shall not disclose the reason for their contact other than a family emergency.
- (f) If making notification at a survivor's workplace, ask a workplace supervisor for the use of a quiet, private room to meet with the survivor. Members shall not inform the workplace supervisor of the purpose of their visit other than to indicate that it is a family emergency.
- (g) Offer to call other survivors, friends or clergy to support the survivors and to avoid leaving survivors alone after notification.

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- (h) Assist the survivors with meeting childcare or other immediate needs.
- (i) Provide other assistance to survivors and take reasonable measures to accommodate their needs, wishes and desires. Care should be taken not to make promises or commitments to survivors that cannot be met.
- (j) Inform the survivors of the name and phone number of the Survivor Support Liaison (see the Survivor Support Liaison section of this policy), if known, and the Department Liaison.
- (k) Provide their contact information to the survivors before departing.
- (l) Document the survivor's names and contact information, as well as the time and location of notification. This information should be forwarded to the Department Liaison.
- (m) Inform the Chief of Police or the authorized designee once survivor notifications have been made so that other Mount Healthy Police Department members may be apprised that survivor notifications are complete.

#### 1033.4.1 OUT-OF-AREA NOTIFICATIONS

The Department Liaison should request assistance from law enforcement agencies in appropriate jurisdictions for in-person notification to survivors who are out of the area.

- (a) The Department Liaison should contact the appropriate jurisdiction using a secure network and provide the assisting agency with the name and telephone number of the department member that the survivors can call for more information following the notification by the assisting agency.
- (b) The Department Liaison may assist in making transportation arrangements for the member's survivors, but will not obligate the Department to pay travel expenses without the authorization of the Chief of Police.

#### 1033.5 NOTIFYING DEPARTMENT MEMBERS

Supervisors or members designated by the Chief of Police are responsible for notifying department members of the line-of-duty death as soon as possible after the survivor notification is made. Notifications and related information should be communicated in person or using secure networks and should not be transmitted over the radio.

Notifications should be made in person and as promptly as possible to all members on-duty at the time of the incident. Members reporting for subsequent shifts within a short amount of time should be notified in person at the beginning of their shift. Members reporting for duty from their residence should be instructed to contact their supervisor as soon as practicable. Those members who are working later shifts or are on days off should be notified by phone as soon as practicable.

Members having a close bond with the deceased member should be notified of the incident in person. Supervisors should consider assistance (e.g., peer support group, modifying work schedules, approving sick leave) for members who are especially affected by the incident.

Supervisors should direct members not to disclose any information outside the Department regarding the deceased member or the incident.



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#### **1033.6 LIAISONS AND COORDINATORS**

The Chief of Police or the authorized designee should select members to serve as liaisons and coordinators to handle responsibilities related to a line-of-duty death, including, but not limited to:

- (a) Department Liaison.
- (b) Hospital Liaison.
- (c) Survivor Support Liaison.
- (d) Wellness Support Liaison.
- (e) Funeral Liaison.
- (f) Mutual aid coordinator.
- (g) Benefits Liaison.
- (h) Finance coordinator.

Liaisons and coordinators will be directed by the Department Liaison and should be given sufficient duty time to complete their assignments.

Members may be assigned responsibilities of more than one liaison or coordinator position depending on available department resources. The Department Liaison may assign separate liaisons and coordinators to accommodate multiple family units, if needed.

##### 1033.6.1 DEPARTMENT LIAISON

The Department Liaison should be a Sergeant or of sufficient rank to effectively coordinate department resources, and should serve as a facilitator between the deceased member's survivors and the Department. The Department Liaison reports directly to the Chief of Police. The Department Liaison's responsibilities include, but are not limited to:

- (a) Directing the other liaisons and coordinators in fulfilling survivors' needs and requests. Consideration should be given to organizing the effort using the National Incident Management System (NIMS).
- (b) Establishing contact with survivors within 24 hours of the incident and providing them contact information.
- (c) Advising survivors of the other liaison and coordinator positions and their roles and responsibilities.
- (d) Identifying locations that will accommodate a law enforcement funeral and presenting the options to the appropriate survivors, who will select the location.
- (e) Coordinating all official law enforcement notifications and arrangements.
- (f) Making necessary contacts for authorization to display flags at half-mast.
- (g) Ensuring that department members are reminded of appropriate information—sharing restrictions regarding the release of information that could undermine future legal proceedings.
- (h) Coordinating security checks of the member's residence as necessary and reasonable.

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- (i) Serving as a liaison with visiting law enforcement agencies during memorial and funeral services.

#### 1033.6.2 HOSPITAL LIAISON

The Hospital Liaison should work with hospital personnel to:

- (a) Arrange for appropriate and separate waiting areas for:
  1. The survivors and others whose presence is requested by the survivors.
  2. Department members and friends of the deceased member.
  3. Media personnel.
- (b) Ensure, as much as practicable, that any suspects who are in the hospital and their families or friends are not in close proximity to the member's survivors or Mount Healthy Police Department members (except for members who may be guarding the suspect).
- (c) Ensure that survivors receive timely updates regarding the member before information is released to others.
- (d) Arrange for survivors to have private time with the member, if requested.
  1. The Hospital Liaison or hospital personnel may need to explain the condition of the member to the survivors to prepare them accordingly.
  2. The Hospital Liaison should accompany the survivors into the room, if requested.
- (e) Stay with survivors and ensure that they are provided with other assistance as needed at the hospital.
- (f) If applicable, explain to the survivors why an autopsy may be needed.
- (g) Ensure hospital bills are directed to the Department, that the survivors are not asked to sign as guarantor of payment for any hospital treatment and that the member's residence address, insurance information and next of kin are not included on hospital paperwork.

Other responsibilities of the Hospital Liaison include, but are not limited to:

- Arranging transportation for the survivors back to their residence.
- Working with investigators to gather and preserve the deceased member's equipment and other items that may be of evidentiary value.
- Documenting his/her actions at the conclusion of his/her duties.

#### 1033.6.3 SURVIVOR SUPPORT LIAISON

The Survivor Support Liaison should work with the Department Liaison to fulfill the immediate needs and requests of the survivors of any member who has died in the line of duty, and serve as the long-term department contact for survivors.

The Survivor Support Liaison should be selected by the deceased member's Sergeant. The following should be considered when selecting the Survivor Support Liaison:

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- The liaison should be an individual the survivors know and with whom they are comfortable working.
- If the survivors have no preference, the selection may be made from names recommended by the deceased member's supervisor and/or coworkers. The deceased member's partner or close friends may not be the best selections for this assignment because the emotional connection to the member or survivors may impair their ability to conduct adequate liaison duties.
- The liaison must be willing to assume the assignment with an understanding of the emotional and time demands involved.

The responsibilities of the Survivor Support Liaison include but are not limited to:

- (a) Arranging for transportation of survivors to hospitals, places of worship, funeral homes, and other locations, as appropriate.
- (b) Communicating with the Department Liaison regarding appropriate security measures for the family residence, as needed.
- (c) If requested by the survivors, providing assistance with instituting methods of screening telephone calls made to their residence after the incident.
- (d) Providing assistance with travel and lodging arrangements for out-of-town survivors.
- (e) Returning the deceased member's personal effects from the Department and the hospital to the survivors. The following should be considered when returning the personal effects:
  1. Items should not be delivered to the survivors until they are ready to receive the items.
  2. Items not retained as evidence should be delivered in a clean, unmarked box.
  3. All clothing not retained as evidence should be cleaned and made presentable (e.g., items should be free of blood or other signs of the incident).
  4. The return of some personal effects may be delayed due to ongoing investigations.
- (f) Assisting with the return of department-issued equipment that may be at the deceased member's residence.
  1. Unless there are safety concerns, the return of the equipment should take place after the funeral at a time and in a manner considerate of the survivors' wishes.
- (g) Working with the Wellness Support Liaison to ensure that survivors have access to available counseling services.
- (h) Coordinating with the department's Public Information Officer (PIO) to brief the survivors on pending press releases related to the incident and to assist the survivors with media relations in accordance with their wishes (see the Public Information Officer section of this policy).
- (i) Briefing survivors on investigative processes related to the line-of-duty death, such as criminal, internal, and administrative investigations.

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- (j) Informing survivors of any related criminal proceedings and accompanying them to such proceedings.
- (k) Introducing survivors to prosecutors, victim's assistance personnel, and other involved personnel as appropriate.
- (l) Maintaining long-term contact with survivors and taking measures to sustain a supportive relationship (e.g., follow-up visits, phone calls, cards on special occasions, special support during holidays).
- (m) Inviting survivors to department activities, memorial services, or other functions as appropriate.

Survivor Support Liaisons providing services after an incident resulting in multiple members being killed should coordinate with and support each other through conference calls or meetings as necessary.

The Department recognizes that the duties of a Survivor Support Liaison will often affect regular assignments over many years, and is committed to supporting members in the assignment.

If needed, the Survivor Support Liaison should be issued a personal communication device (PCD) owned by the Department to facilitate communications necessary to the assignment. The department-issued PCD shall be used in accordance with the Personal Communication Devices Policy.

#### 1033.6.4 WELLNESS SUPPORT LIAISON

The Wellness Support Liaison should work with the department wellness coordinator or the authorized designee and other liaisons and coordinators to make wellness support and counseling services available to members and survivors who are impacted by a line-of-duty death. The responsibilities of the Wellness Support Liaison include but are not limited to:

- (a) Identifying members who are likely to be significantly affected by the incident and may have an increased need for wellness support and counseling services, including:
  - 1. Members involved in the incident.
  - 2. Members who witnessed the incident.
  - 3. Members who worked closely with the deceased member but were not involved in the incident.
- (b) Ensuring that members who were involved in or witnessed the incident are relieved of department responsibilities until they can receive wellness support.
- (c) Ensuring that wellness support and counseling resources (e.g., peer support, Critical Incident Stress Debriefing) are available to members as soon as reasonably practicable following the line-of-duty death.
- (d) Coordinating with the Survivor Support Liaison to ensure survivors are aware of available wellness support and counseling services and assisting with arrangements as needed.

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- (e) Following up with members and the Survivor Support Liaison in the months following the incident to determine if additional wellness support or counseling services are needed.

#### 1033.6.5 FUNERAL LIAISON

The Funeral Liaison should work with the Department Liaison, Survivor Support Liaison and survivors to coordinate funeral arrangements to the extent the survivors wish. The Funeral Liaison's responsibilities include, but are not limited to:

- (a) Assisting survivors in working with the funeral director regarding funeral arrangements and briefing them on law enforcement funeral procedures.
- (b) Completing funeral notification to other law enforcement agencies.
- (c) Coordinating the funeral activities of the Department, including, but not limited to the following:
  - (a) Honor Guard
    1. Casket watch
    2. Color guard
    3. Pallbearers
    4. Bell/rifle salute
  - (b) Bagpipers/bugler
  - (c) Uniform for burial
  - (d) Flag presentation
  - (e) Last radio call
- (d) Briefing the Chief of Police and command staff concerning funeral arrangements.
- (e) Assigning an officer to remain at the family home during the viewing and funeral.
- (f) Arranging for transportation of the survivors to and from the funeral home and interment site using department vehicles and drivers.

#### 1033.6.6 MUTUAL AID COORDINATOR

The mutual aid coordinator should work with the Department Liaison and the Funeral Liaison to request and coordinate any assistance from outside law enforcement agencies needed for, but not limited to:

- (a) Traffic control during the deceased member's funeral.
- (b) Area coverage so that as many Mount Healthy Police Department members can attend funeral services as possible.

The mutual aid coordinator should perform his/her duties in accordance with the Outside Agency Assistance Policy.

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##### 1033.6.7 BENEFITS LIAISON

The Benefits Liaison should provide survivors with information concerning available benefits and assist them in applying for benefits. Responsibilities of the Benefits Liaison include, but are not limited to:

- (a) Confirming the filing of workers' compensation claims and related paperwork (see the Illness and Injury Reporting Policy).
- (b) Researching and assisting survivors with application for federal government survivor benefits, such as those offered through the:
  - 1. Public Safety Officers' Benefits (PSOB) Programs.
  - 2. Public Safety Officers' Educational Assistance (PSOEA) Program.
  - 3. Social Security Administration.
  - 4. Department of Veterans Affairs.
- (c) Researching and assisting survivors with application for state and local government survivor benefits.
  - 1. Survivor's benefit (ORC § 145.45)
  - 2. Death benefit (ORC § 742.63; ORC § 742.446)
  - 3. Education benefit (ORC § 3333.26)
  - 4. Volunteer Peace Officers' Dependents Fund (ORC § 143.09)
- (d) Researching and assisting survivors with application for other survivor benefits such as:
  - 1. Private foundation survivor benefits programs.
  - 2. Survivor scholarship programs.
- (e) Researching and informing survivors of support programs sponsored by police associations and other organizations.
- (f) Documenting and informing survivors of inquiries and interest regarding public donations to the survivors.
  - 1. If requested, working with the finance coordinator to assist survivors with establishing a process for the receipt of public donations.
- (g) Providing survivors with a summary of the nature and amount of benefits applied for, including the name of a contact person at each benefit office. Printed copies of the summary and benefit application documentation should be provided to affected survivors.
- (h) Maintaining contact with the survivors and assisting with subsequent benefit questions and processes as needed.

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##### 1033.6.8 FINANCE COORDINATOR

The finance coordinator should work with the Chief of Police and the Department Liaison to manage financial matters related to the line-of-duty death. The finance coordinator's responsibilities include, but are not limited to:

- (a) Establishing methods for purchasing and monitoring costs related to the incident.
- (b) Providing information on finance-related issues, such as:
  - 1. Paying survivors' travel costs if authorized.
  - 2. Transportation costs for the deceased.
  - 3. Funeral and memorial costs.
  - 4. Related funding or accounting questions and issues.
- (c) Working with the Benefits Liaison to establish a process for the receipt of public donations to the deceased member's survivors.
- (d) Providing accounting and cost information as needed.

##### 1033.7 PUBLIC INFORMATION OFFICER

In the event of a line-of-duty death, the department's PIO should be the department's contact point for the media. As such, the PIO should coordinate with the Department Liaison to:

- (a) Collect and maintain the most current incident information and determine what information should be released.
- (b) Ensure that department members are instructed to direct any media inquiries to the PIO.
- (c) Prepare necessary press releases.
  - 1. Ensure coordination with other entities having media roles (e.g., outside agencies involved in the investigation or incident).
  - 2. Ensure that important public information is disseminated, such as information on how the public can show support for the Department and deceased member's survivors.
- (d) Arrange for community and media briefings by the Chief of Police or the authorized designee as appropriate.
- (e) Respond, or coordinate the response, to media inquiries.
- (f) If requested, assist the member's survivors with media inquiries.
  - 1. Brief the survivors on handling sensitive issues such as the types of questions that reasonably could jeopardize future legal proceedings.
- (g) Release information regarding memorial services and funeral arrangements to department members, other agencies and the media as appropriate.
- (h) If desired by the survivors, arrange for the recording of memorial and funeral services via photos and/or video.

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The identity of deceased members should be withheld until the member's survivors have been notified. If the media has obtained identifying information for the deceased member prior to survivor notification, the PIO should request that the media withhold the information from release until proper notification can be made to survivors. The PIO should ensure that media are notified when survivor notifications have been made.

#### **1033.8 DEPARTMENT CHAPLAIN**

The Department chaplain may serve a significant role in line-of-duty deaths. His/her duties may include, but are not limited to:

- Assisting with survivor notifications and assisting the survivors with counseling, emotional support or other matters, as appropriate.
- Assisting liaisons and coordinators with their assignments, as appropriate.
- Assisting department members with counseling or emotional support, as requested and appropriate.

Further information on the potential roles and responsibilities of the chaplain is in the Chaplains Policy.

#### **1033.9 INVESTIGATION OF THE INCIDENT**

The Chief of Police shall ensure that line-of-duty deaths are investigated thoroughly and may choose to use the investigation process outlined in the Officer-Involved Shootings and Deaths Policy.

Investigators from other agencies may be assigned to work on any criminal investigation related to line-of-duty deaths. Partners, close friends or personnel who worked closely with the deceased member should not have any investigative responsibilities because such relationships may impair the objectivity required for an impartial investigation of the incident.

Involved department members should be kept informed of the progress of the investigations and provide investigators with any information that may be pertinent to the investigations.

#### **1033.10 LINE-OF-DUTY DEATH OF A LAW ENFORCEMENT ANIMAL**

The Chief of Police may authorize appropriate memorial and funeral services for law enforcement animals killed in the line of duty.

#### **1033.11 NON-LINE-OF-DUTY DEATH**

The Chief of Police may authorize certain support services for the death of a member not occurring in the line of duty.



## Personnel Management System

### 1034.1 BENEFITS PROGRAM

#### 1034.1.1 RETIREMENT

Each full-time employee shall be required to join the Ohio Police and Fire Pension Fund as a condition of employment. Each part-time employee shall be required to join Ohio Public Employees Retirement System. Retirement benefits are summarized in the City of Mount Healthy Personnel Policy and Procedure Manual. Benefits are administered through the state retirement system. Employees must meet the conditions set forth under the provisions of the Local Government Employees Retirement System and/or the Ohio Police and Fire Pension Fund in order to receive benefits from these retirement plans.

#### 1034.1.2 HEALTH INSURANCE

All full-time employees of the City are eligible for health insurance as provided by collective bargaining agreement or authorized by City Council. Any employee with questions concerning coverage or premiums should contact the City Manager or designee.

The City shall make available to bargaining unit employees the same medical and hospitalization plans as are provided to non-bargaining unit employees of the City. Prior to any substantive changes in the existing benefit plan, the employer shall form a Health Insurance Plan Committee, consisting of employees from all City work units. The FOP associate or his designee from this bargaining unit shall be a member of the committee. The purpose of the committee is to study available options and make a recommendation to the City Manager. If substantive changes in the plan are recommended or become necessary, the Employer shall notify the FOP in advance of any changes and will meet with representatives of the FOP to negotiate the effect of those changes on the bargaining unit.

The Employer will pay 100% of the cost of health care premiums for all employees' single policy. Employees electing to take an employee/spouse, employee/child(ren), or family plan shall pay 30% of the difference of the cost in premiums between a single plan and the plan that is chosen. In no event will bargaining unit members pay more for insurance than any other City employee.

The City shall provide dental insurance for employees, paid in full by the City of Mt. Healthy.

In the event that an officer is killed in the line of duty, all the costs for the funeral are to be paid in full by the City of Mt. Healthy or through donations arranged for by the City for standard arraignments up to \$10,000.00 with the City being able to raise that amount at their discretion, so all insurances may go directly to the aide of the officer's family.

Employees who waive City provided insurance shall be eligible for \$3,600.00 annually paid at a rate of \$300.00 per month, paid and taxed in accordance with IRS rules. In order to receive this benefit, employees must submit proof of coverage through another source.

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An employee who is age 65 and eligible for Medicare shall have the option of choosing Medicare coverage or City health insurance. An employee who chooses Medicare shall not be eligible for City-provided health insurance, nor shall the City pay any portion of the Medicare premium.

#### 1034.1.3 DISABILITY AND DEATH BENEFITS PROGRAM

##### **Disability Leave:**

A physically or mentally incapacitated full-time employee who has completed his probationary period may request a disability leave. A disability leave for a period not to exceed one (1) year may be granted when the disability continues beyond accumulated sick leave rights provided the employee furnishes satisfactory medical proof of such disability along with his written request; and is:

Hospitalized or institutionalized;

- (a) On a period of convalescence following hospitalization or institutionalization authorized by a physician at the hospital or institution; or
- (b) Declared incapacitated for the performance of the duties of his position by a licensed physician designated by the Employer and the employee selected from a list of three (3) licensed physicians prepared by the Employer. It is the employee's responsibility to request a disability leave since such leave is not granted automatically when the employee's sick leave has expired.

When an employee is ready to return to work, they shall furnish a statement by a physician releasing the employee as able to return to work.

##### **Employer Required Disability-Leave:**

The Employer may require an employee to be examined by a licensed physician designated by the Employer and the employee per paragraph (A) above, at the Employer's expense. An employee found to be unable to physically or mentally perform the essential functions of his position by such physician shall be placed on Disability Leave as described in paragraph (A) above.

##### **Death Benefit Program:**

All full-time employees of the City are eligible for life insurance as provided by collective bargaining agreement or authorized by City Council. Any employee with questions concerning coverage or premiums should contact the City Manager or designee.

The Employer shall provide a group life insurance policy in the amount of \$40,000 and AD&D at \$40,000 for each bargaining unit employee.

#### 1034.1.4 LIABILITY PROTECTION PROGRAM

The city's liability protection program will cover employees for actions or omissions directly related to their enforcement function. The program will protect employees from liability arising from acts or omission leading to personal injury, death or property destruction that in turn, could lead to legal civil action against them.

# Mount Healthy Police Department

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## *Personnel Management System*

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### 1034.1.5 EMPLOYEE EDUCATIONAL BENEFITS

It is the city's intent to provide excellent public safety by offering \$1,500 stipend to patrol officers who wish to become EMT-B certified. Certification must be kept current for two (2) full years before stipend will be issued.

## Military Deployment and Reintegration

### 1035.1 PURPOSE

The purpose of the policy is to provide procedures for employees' military deployment and reintegration to the Department.

### 1035.2 POLICY

This policy shall apply to military employees who are absent from the Department for a period of 180 days or longer. This shall apply to any branch of military service covered under the Uniformed Services Employment and Reemployment Rights Act (USERRA). The City will grant all employees leaves of absence to fulfill military service obligations in accordance with the requirements of applicable law.

### 1035.3 DEFINITIONS

- (a) **Military Support Officer (MSO)** - A Department member who has been identified by the military employee to serve as a liaison between the deployed employee and the Department during his/her absence. The MSO will serve to assist in the care and oversight of the employee's family and personal matters should the need arise during the employee's deployment. This shall not be construed as giving the MSO any legal authority to act on the employee's behalf unless it has been otherwise provided for in proper legal documentation. [C 22.1.9 a]
- (b) **Re-acclimation Process:** Gradual, pre-determined steps, set by the Department, which are intended to give returning military employees the opportunity to more comfortably, and successfully, reintroduce themselves into their positions with the Department after deployment. This process is designed to afford the employee an opportunity to address issues which may be associated with their deployment, and their Department position.

### 1035.4 PRE-DEPLOYMENT PROCEDURES

- (a) Any employee seeking a military leave of absence must provide the City with advance notice of his/her intent to take a military leave unless advance notice is precluded by military necessity or is otherwise impossible or unreasonable, considering all relevant circumstances.
- (b) As soon as possible, the employee will submit a copy of his/her military orders along with written notification to their immediate supervisor to include the following information:
  1. Anticipated date(s) of mobilization;
  2. Unit name and identification; address, telephone number and e-mail address;
  3. Commanding Officer's name;
  4. Immediate military supervisor's name;
  5. Name of the military ombudsman (or equivalent) telephone number and e-mail address.

# Mount Healthy Police Department

## Policy Manual

### Policy Manual

#### *Military Deployment and Reintegration*

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- (c) The employee will identify a member of the Department to act as their Military Support Officer (MSO). [C 22.1.9 a]
- (d) The City of Mount Healthy Human Resources Director will serve as the City's official point of contact and together with the Chief of Police will meet with the employee prior to deployment to ascertain information regarding: [C 22.1.9 b & c]
  - 1. Employee benefits;
  - 2. Salary continuation;
  - 3. Obligations listed in the affected employees Collective Bargaining Agreement, if any;
  - 4. Any other relevant information which may aid in later reintegration.
- (e) The Human Resources Director and Chief of Police will provide oversight over the reintegration of military employees into the Department during the exit interview. [C 22.1.9 c]
- (f) Prior to their deployment, the employee shall turn in their Police I.D., keys, and all issued clothing and equipment to their immediate supervisor, utilizing the Uniform and Equipment Checklist completed when they were hired. The clothing and equipment will be stored in a secure locker during their deployment. [C 22.1.9 d]
- (g) The City's Information Technology department shall maintain the employee's email but suspend all other computer accounts.

#### **1035.5 DEPLOYMENT PROCEDURES**

- (a) During the deployed employee's absence, the Department shall provide support to the employee and his/her family through the MSO.
- (b) The MSO shall:
  - 1. Keep up-to-date status on the employee, and provide the information to the employee's immediate supervisor for dissemination up the chain of command, which information shall include current status, active needs, and family needs.
  - 2. Providing current e-mail and address information to the Human Resources Director.
- (c) The Human Resources Director shall maintain a current file on the deployed employee, including the status of any benefit updates missed (i.e. open enrollment), e-mail and address information to be made available for other Department members to maintain contact.
- (d) Department members are encouraged to maintain active contact with the deployed employee. Sending Department events, pictures, and other information assists the deployed employee in maintaining an active link with his/her home.

#### **1035.6 REINTEGRATION PROCEDURES**

- (a) Any employee on a military leave of absence, upon completing his/her military service obligation, must return to work in a timely manner as established by applicable laws. Failure to return to work after an approved military leave in a timely manner,

# Mount Healthy Police Department

## Policy Manual

### Policy Manual

#### *Military Deployment and Reintegration*

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- falsification of the reasons for taking the military leave or working elsewhere while on the military leave can result in termination of the leave of absence and/or discipline, up to and including termination of employment. [C 22.1.9 e]
- (b) Prior to returning to full duty, the returning employee will meet with the Chief of Police and City Manager for a reintegration interview. [C 22.1.9 e]
  - (c) An employee returning from a military leave of absence will be reinstated in accordance with and as required by applicable laws. With some exceptions, an employee returning from a military leave of absence typically will be reinstated without loss of seniority, status or pay and return to either his/her prior position or the position in which the employee would have been employed had his/her continuous service not been interrupted by the military leave. Under certain circumstances, the City may require an employee to provide documentation demonstrating his/her eligibility to return to work. [C 22.1.9 e]
  - (d) The member will review all policies, procedures, and general orders that have been updated since the deployment [C 22.1.9 e]
  - (e) The returning employee will meet with the assigned Squad Sergeant to determine what missed training or certifications must be completed. A schedule will be made to accomplish all required training tasks. The returning employee will be required to complete a short term assignment with a Field Training Officer for refresher training in their assigned area. [C 22.1.9 e]
  - (f) The returning employee will be required to complete weapons qualifications with a Range Officer. [C 22.1.9 f]

## Extra-Duty Employment

### 1036.1 DEFINITIONS

**Extra-Duty Employment:** Extra-duty employment is any secondary employment that is conditioned on the actual or potential use of law enforcement powers by the officer-employee for an outside organization, company or individual within this jurisdiction. Compensation for these services is paid directly to the employee by the organization, company or individual. Any Extra-duty employment conducted out of uniform must receive prior approval from the Chief of Police or his/her designee.

**Off-Duty Employment:** Off-duty employment is any secondary employment that is not conditioned on the actual or potential use of law enforcement powers by the off-duty employee. See Policy 1021 for guidelines on Off-Duty Employment.

**Secondary Employment:** Any employment outside the scope of regularly assigned duties, which is either extra-duty or off-duty.

### 1036.2 AUTHORIZATION

Employees will not be permitted to engage in off-duty or extra-duty employment without the express authorization of the Chief of Police.

Employees must recognize that the Mount Healthy Police Department is their primary Employer. No employee may accept employment with any other employer which is in conflict with his role as an employee of the Mount Healthy Police Department as determined by the Chief of Police or his designee. The Chief of Police retains the right to approve law enforcement related extra-duty outside employment, including the right to regulate law enforcement related extra-duty employment by promulgating and enforcing rules as approved by the Chief of Police [CBA, Section 29.1].

As far as practicable, all employees will be given an equal opportunity to work extra-duty details. Compensation will generally be paid to the City, and included in the employee's paycheck following receipt by the City [CBA,29.1].

### 1036.3 OFFICER CONDUCT

All Department directives apply during all extra-duty details. The officers behavior shall be governed accordingly.

The Employer reserves the right to demand an employee reduce his non-law enforcement related off-duty employment work when his performance is diminished, or his attendance adversely affected [CBA 29.3].

### 1036.4 APPROVAL, REVIEW, AND REVOCATION

All extra-duty details within the City of Mt. Healthy shall be posted in a conspicuous location for a reasonable period of time. Members of the bargaining units shall have the first opportunity to fill

# Mount Healthy Police Department

## Policy Manual

### Policy Manual

#### *Extra-Duty Employment*

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all extra-duty details. If a detail can not be filled within a reasonable time, it can be offered to other officers within, then outside the City of Mt. Healthy [CBA 29.4].

Officers who have not completed the FTO program are only eligible to work multi-officer extra-duty details and under the direction of an officer who has completed the FTO program.

Members not on full duty status are not eligible to work extra-duty details.

Nothing in this policy is to prohibit the Police Chief from approving details on an emergency basis to meet the needs of the Department and the community.

#### **1036.5 EXTRA-DUTY EMPLOYMENT COORDINATOR**

The Chief of Police will assign an Extra-Duty Employment Coordinator to oversee Extra-Duty Details.

- (a) Duties of the Extra-Duty Employment Coordinator:
1. Acts as a liaison between the Department and the secondary employer.
  2. Posts extra-duty schedules and contacts outside agencies when extra-duty detail is not filled.
  3. Provides City Finance Department with billing information for the secondary employer.
  4. Ensures form acknowledging cost of services is submitted to secondary employer.
  5. Advises secondary employers cost, conditions and scope of employment with uniform secondary employers.
  6. Works with Scheduling Sergeant to plan schedules. Extra-detail employment schedules will be accessible to all personnel at point of posting. No other officer shall schedule extra-duty details, unless authorized by the Chief of Police.
  7. Disseminate the scope of employment to each employee who works an extra-duty detail so that he/she understand what is expected by the secondary employer. This scope of employment will act as a set of rules or guidelines, in addition to this policy, for each officer to follow while performing his/her duties.
  8. The Extra-Duty Employment Coordinator is responsible for reporting policy violations involving failure to appear, tardiness, poor job performance, and failure to wear patrol uniform of the day, to the assigned Squad Sergeant of the involved officer.

#### **1036.6 DOCUMENTATION**

Required documentation of the significant aspects of each officers Extra-Duty Employment:

- (a) The Extra-Duty Employment Coordinator is responsible to keep record of the date, time, location and officers assigned to each extra-duty detail.
- (b) If, during the time of the extra-duty detail, the officer takes law enforcement action or injures him/herself or others or complaints are received, the officer shall promptly



# Mount Healthy Police Department

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### Policy Manual

#### *Extra-Duty Employment*

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report and provide his/her Squad Sergeant a copy of the incident report and associated documentation.

- (c) The Scheduling Sergeant shall monitor court appearances (scheduled or actually attended) resulting from the extra-duty employment and liability and indemnification concerns stemming from actions during extra-duty employment for evaluation of reoccurring details or detail of similar nature in the future.

## Wellness Program

### 1037.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance on establishing and maintaining a proactive wellness program for department members.

Additional information on member wellness is provided in the:

- Chaplains Policy.
- Line-of-Duty Deaths Policy.
- Drug- and Alcohol-Free Workplace Policy.

#### 1037.1.1 DEFINITIONS

Definitions related to this policy include:

**Critical incident** – An event or situation that may cause a strong emotional, cognitive, or physical reaction that has the potential to interfere with daily life.

**Critical Incident Stress Debriefing (CISD)** – A standardized approach using a discussion format to provide education, support, and emotional release opportunities for members involved in work-related critical incidents.

**Peer support** – Mental and emotional wellness support provided by peers trained to help members cope with critical incidents and certain personal or professional problems.

### 1037.2 POLICY

It is the policy of the Mount Healthy Police Department to prioritize member wellness to foster fitness for duty and support a healthy quality of life for department members. The Department will maintain a wellness program that supports its members with proactive wellness resources, critical incident response, and follow-up support.

### 1037.3 WELLNESS COORDINATOR

The Chief of Police should appoint a wellness coordinator. The coordinator should report directly to the Chief of Police or the authorized designee and should collaborate with advisers (e.g., Personnel Department, legal counsel, licensed psychotherapist, qualified health professionals), as appropriate, to fulfill the responsibilities of the position, including but not limited to:

- (a) Identifying wellness support providers (e.g., licensed psychotherapists, external peer support providers).
  1. Selected providers should be trained and experienced in providing mental wellness support and counseling to public safety personnel.
  2. When practicable, the Department should not use the same licensed psychotherapist for both member wellness support and fitness for duty evaluations.

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## Policy Manual

### Policy Manual

#### *Wellness Program*

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- (b) Developing management and operational procedures for department peer support members, such as:
  - 1. Peer support member selection and retention.
  - 2. Training and applicable certification requirements.
  - 3. Deployment.
  - 4. Managing potential conflicts between peer support members and those seeking service.
  - 5. Monitoring and mitigating peer support member emotional fatigue (i.e., compassion fatigue) associated with providing peer support.
  - 6. Using qualified peer support personnel from other public safety agencies or outside organizations for department peer support, as appropriate.
- (c) Verifying members have reasonable access to peer support or licensed psychotherapist support.
- (d) Establishing procedures for CISDs, including:
  - 1. Defining the types of incidents that may initiate debriefings.
  - 2. Steps for organizing debriefings.
- (e) Facilitating the delivery of wellness information, training, and support through various methods appropriate for the situation (e.g., phone hotlines, electronic applications).

#### **1037.4 DEPARTMENT PEER SUPPORT**

##### 1037.4.1 PEER SUPPORT MEMBER SELECTION CRITERIA

The selection of a department peer support member will be at the discretion of the coordinator. Selection should be based on the member's:

- Desire to be a peer support member.
- Experience or tenure.
- Demonstrated ability as a positive role model.
- Ability to communicate and interact effectively.
- Evaluation by supervisors and any current peer support members.

##### 1037.4.2 PEER SUPPORT MEMBER RESPONSIBILITIES

The responsibilities of department peer support members include:

- (a) Providing pre- and post-critical incident support.
- (b) Presenting department members with periodic training on wellness topics, including but not limited to:
  - 1. Stress management.
  - 2. Suicide awareness.

# Mount Healthy Police Department

## Policy Manual

### Policy Manual

#### *Wellness Program*

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- (c) Providing referrals to licensed psychotherapists and other resources, where appropriate.
  - 1. Referrals should be made to [department/office]-designated resources in situations that are beyond the scope of the peer support member's training.

#### 1037.4.3 PEER SUPPORT MEMBER TRAINING

A department peer support member should complete department-approved training prior to being assigned.

#### **1037.5 CRITICAL INCIDENT STRESS DEBRIEFINGS**

A Critical Incident Stress Debriefing should occur as soon as practicable following a critical incident. The coordinator is responsible for organizing the debriefing. Notes and recorded statements shall not be taken because the sole purpose of the debriefing is to help mitigate the stress-related effects of a critical incident.

The debriefing is not part of any investigative process. Care should be taken not to release or repeat any communication made during a debriefing unless otherwise authorized by policy, law, or a valid court order.

Attendance at the debriefing should only include peer support members and/or critical incident stress management team members and those directly involved in the incident (ORC § 2317.02).

#### 1037.5.1 CRITICAL INCIDENT STRESS MANAGEMENT TEAM MEMBER COMMUNICATIONS

Communications with a critical incident stress management team member made from a member receiving crisis response services or during a debriefing session are confidential and may not be disclosed except as allowed by ORC § 2317.02.

A critical incident stress management team member is an individual specially trained to provide crisis response services as a member of an organized community or local crisis response team that holds membership in the Ohio critical incident stress management network. Crisis response services are consultation, risk assessment, referral, and on-site crisis intervention services to members affected by a crisis or disaster (ORC § 2317.02).

#### **1037.6 PEER SUPPORT COMMUNICATIONS**

Although the Department will honor the sensitivity of communications with peer support members, there is no legal privilege to such communications.

#### **1037.7 PHYSICAL WELLNESS PROGRAM**

The coordinator is responsible for establishing guidelines for an on-duty physical wellness program, including:

- (a) Allowable physical fitness activities.
- (b) Permitted times and locations for physical fitness activities.
- (c) Acceptable use of department-provided physical fitness facilities and equipment.

# Mount Healthy Police Department

## Policy Manual

### Policy Manual

#### *Wellness Program*

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- (d) Making physical wellness information and education (e.g., nutrition, sleep habits, proper exercise, injury prevention) available to members.
- (e) Standards for physical fitness incentive programs.
- (f) Maintenance of physical wellness logs (e.g., attendance, goals, standards, progress).

#### **1037.8 WELLNESS PROGRAM AUDIT**

At least annually, the coordinator or the authorized designee shall audit the effectiveness of the department's wellness program and prepare a report summarizing the findings. The report shall not contain the names of members participating in the wellness program, and should include the following information:

- Data on the types of support services provided
- Wait times for support services
- Participant feedback, if available
- Program improvement recommendations
- Policy revision recommendations

The coordinator should present the completed audit to the Chief of Police for review and consideration of updates to improve program effectiveness.

#### **1037.9 MEMBER FAMILY SUPPORT**

Subject to available resources, the Department shall provide mental and physical support to members' families.

#### **1037.10 TRAINING**

The coordinator or the authorized designee should collaborate with the Police Chief to provide all members with regular education and training on topics related to member physical and mental health and wellness, including but not limited to:

- The availability and range of department wellness support systems.
- Suicide awareness.
- Recognizing and managing mental distress, emotional fatigue, post-traumatic stress, and other possible reactions to trauma.
- Alcohol and substance abuse awareness.
- Countering sleep deprivation and physical fatigue.
- Anger management.
- Marriage and family wellness.
- Benefits of physical exercise and proper nutrition.
- Effective time and personal financial management skills.

# Mount Healthy Police Department

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## *Wellness Program*

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Training materials, curriculum, and attendance records should be forwarded to the Police Chief as appropriate for inclusion in training records.

## Attachments

## **CGO28 Emergency Plan.pdf**



Mt. Healthy Police Department  
Police Chief's General Order  
28-2016  
Emergency Management Plan

The City of Mt. Healthy has prepared the following plan in compliance with State of Ohio requirements.

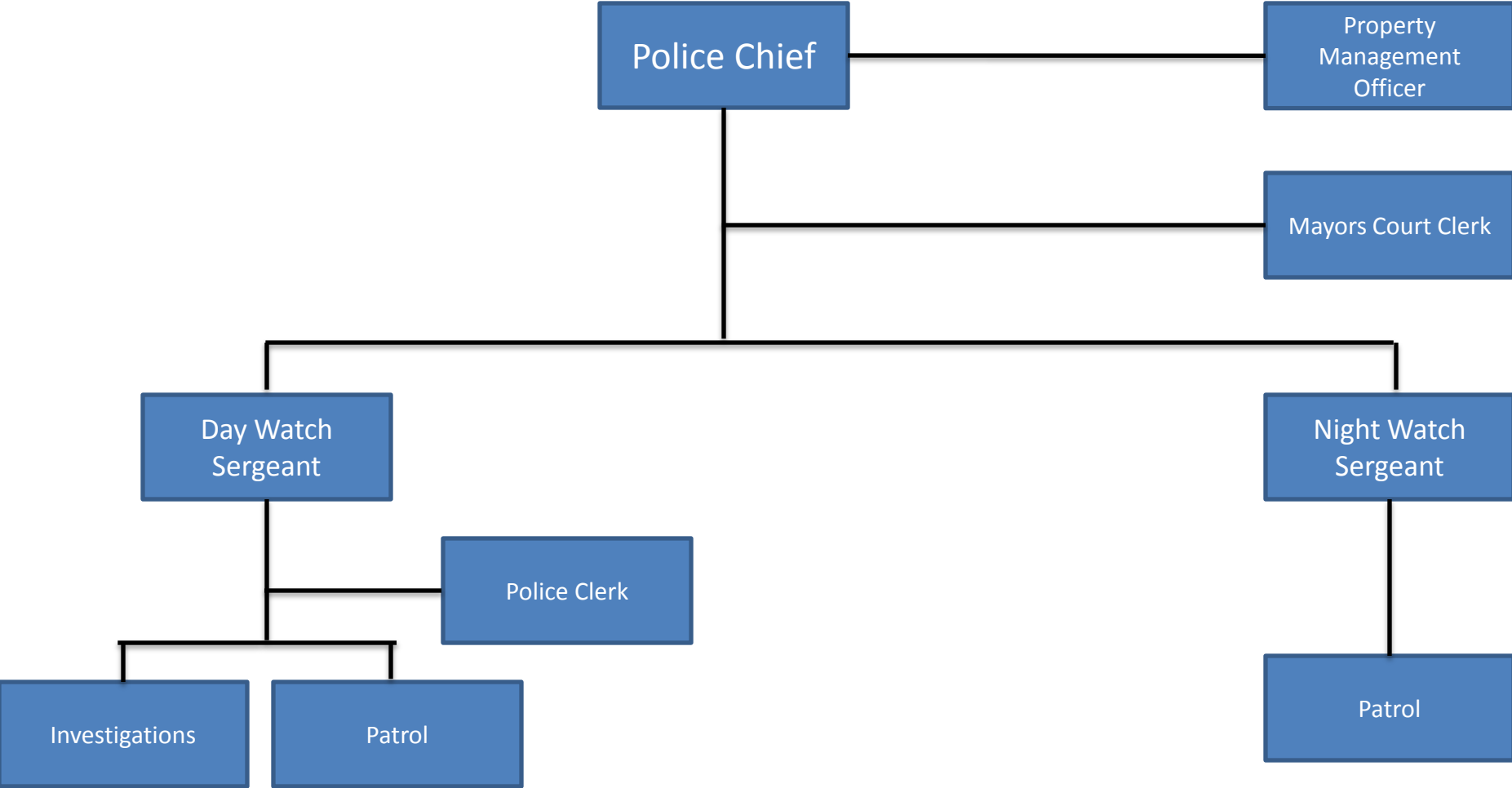
Situations may present themselves which require extraordinary police service. These situations could involve civil unrest, conflagrations, or public health and safety issues.

Upon encountering such a situation, officers will immediately notify either the Watch Sergeant or the Police Chief. If situations dictate they will initiate an immediate recall of personnel to deal with the situation. This may include the assigning of personnel to twelve hour shifts and the cancellation of off-days or vacation days.

Should the situation be such consequence as to overwhelm the resources of the Mt. Healthy Police Department, after consulting with the Police Chief, the Police Chief may request the assistance of the Hamilton County Sheriff's Office. Should such an unlikely event occur, the Police Chief will serve as a liaison to the Hamilton County Sherriff's Office and assign personnel in accordance with National Incident Command System Guidelines.

**Proof 1 Description of Organization  
11.1.1 Organizational Chart (2020).pdf**

# Mt. Healthy Police Department Organizational Chart



**mounthealthy-oh-2.pdf**

## **SECTION 5.02 DEPARTMENT OF POLICE**

There shall be a Department of Police, the head of which shall be the Police Chief. The Police Chief shall be appointed by and report to the Manager and be a certified police officer in the State of Ohio or become certified within a reasonable period determined by City Council. The operating rules and procedures of the Police Department shall be established by the Police Chief with the approval of the Manager. Disciplinary action shall be taken by the Police Chief with the right of appeal to the Manager. The appointment, promotion, and removal of members of the Police Department, including the Police Chief, shall be made by the Manager in accordance with this Charter.

## **HCCC Policy on Call Management.pdf**



<b>Phone Phase</b>	<b>Call Management - Signal List</b>	<b>Page 1</b>
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This is a quick view of the signals and their priorities. Those in BLACK are police incidents; BLUE are EMS; RED are Fire; GREEN are either teletype incidents or advised details. This listed is provided for the ease of studying them at a quick numerical order view.

Also in this chapter is another version of the signal list but with definitions included. Those definitions will aid in a call takers line of questioning when dealing with a particular type of incident.

A working knowledge of each signal, its priority, manpower recommendation and its definition is required as part of completion of the phone phase. Fire-EMS response recommendations are not included since they can vary between departments.

Signal	Signal Description	Police // Fire-EMS Priorities	Police Unit Recommendation
1	Call Your Station	5	1
2	Go To Your Station	5	1
2C	See Compl At Station	5	1
3	Auto Accident	4	1
3A	A/A – Advise On Injury	3	1
3B	A/A – Building Struck	2 // 1	1
3BI	A/A – Building Struck w/Inj	2 // 1	1
3D	A/A – Animal Struck	3	1
3E	A/A – Entrapment	2 // 2	1
3F	A/A – Fire/Fuel Leak	2 // 3	1
3FI	A/A – Fire/Fuel Leak w/Inj	2 // 1	1
3H	A/A – Hit Skip	3	1
3I	A/A – Injury	2 // 1	1
3PS	A/A – Pedestrian Struck	2 // 1	1
500	CVG Airport Emergency	- // 0	0
7	Intrusion Alarm	3	2
7A	Audible Alarm	3	2
7CM	CO Alarm	2 // 3	1
7CMI	CO Alarm – Illness	2 // 1	1
7DV	Domestic Violence Alarm	3	2
7E	Elevator Alarm – Rescue	2 // 3	1
7F	Fire Alarm	2 // 3	1
7H	Holdup Alarm	1	2
7M	Medical Alarm	2 // 1	1
7NC	Intrusion Alarm – No Code	3	2
7P	Panic Alarm	3	2
7V	Vehicle (GPS) Alarm	3	1
7W	Water Flow Alarm	2 // 1	1
8	See Complainant	4	1
8FW	See Comp – Fireworks	4	1
8HAZ	See Comp – Ref Suspicious Item	1	1
8KEY	See Key Holder	4	1
8L	EMS Lift Assistance	2	1



<b>Phone Phase</b>	<b>Call Management - Signal List</b>	<b>Page 2</b>
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Signal	Signal Description	Police // Fire-EMS Priorities	Police Unit Recommendation
10	Fight In Progress	1	2
11	Prowlers	3	2
12	Parking Violation	4	1
12A	Abandoned Veh	4	1
13	Unknown Trouble	1	3
13E	Silent E911 Call	3	1
13GPS	Trbl – Cell Phone GPS Location	1	2
14	Report	4	1
14A	Report – Assault	4	1
14AA	Report – Auto Accident	4	1
14AB	Report – Animal Bite	4	1
14AUTO	Report – Auto Theft	4	1
14B	Report – Burglary	4	1
14BC	Report – Bad Check	4	1
14F	Report – Found Property	4	1
14H	Report – Harrassment/Threats	4	1
14L	Report – Lost Property	4	1
14M	Report – Missing Person	4	1
14P	Report – Phone Harr/Threats	4	1
14PD	Report – Property Damage	4	1
14S	Report – Supplemental	4	1
14T	Report – Theft	4	1
15	Suspicious Vehicle	3	1
15VO	Suspicious Veh – Occupied	3	1
16	Person With A Weapon	1	2
16G	Person With A Gun	1	2
16K	Person With A Knife	1	2
17	Disorderly Crowd	1	2
17P	Disorderly Person	1	2
A18	Assault – Injury	1 // 1	2
AB18	Animal Bite	2 // 1	1
B18	Burned Person	2 // 1	1
C18	Choking	2 // 1	1
CHEM18	Chemical Burn	2 // 1	1
D18	Drowning	2 // 1	1
E18	Electrical Injury	2 // 1	1
EYE18	Eye Injury	2 // 1	1
F18	Injury From A Fall	2 // 1	1
HI18	Head Injury	2 // 1	1
L18	Laceration	2 // 1	1





<b>Phone Phase</b>	<b>Call Management - Signal List</b>	<b>Page 3</b>
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Signal	Signal Description	Police // Fire-EMS Priorities	Police Unit Recommendation
LIFT18	EMS Lift Assist	2 // 1	1
RAPE18	Sexual Assault – Injured	1 // 1	2
ROBB18	Robbery – Injury	1 // 1	2
S18	Attempt/Threat Suicide	1 // 1	2
SHOT18	Shooting	1 // 1	2
STAB18	Stabbing	1 // 1	2
TAZ18	Check Tazed Person	2 // 1	1
TRAP18	Person Trapped	2 // 1	1
UNK18	Injured Person	2 // 1	1
19	Meet An Officer	5	1
20	Juvenile Complaint	4	1
20D	Disorderly Juveniles	4	1
21	Pick Up A Prisoners	5	1
21H	Holding A Prisoner	4	1
A22	Abdominal Pain	2 // 1	1
AL22	Allergic Reaction	2 // 1	1
B22	Back Pain	2 // 1	1
C22	Chest Pain	2 // 1	1
D22	Diabetic Emergency	2 // 1	1
ENV22	Environmental Emergency	2 // 1	1
F22	High Fever	2 // 1	1
HA22	Headache	2 // 1	1
HAZ22	Exposure to Hazmat	2 // 1	1
HEM22	Hemorrhaging	2 // 1	1
M22	Psychiatric Emergency	1 // 1	2
NB22	Non-Breather/Cardiac Arrest	2 // 0	1
OB22	Maternity Run	2 // 1	1
OD22	Overdose	1 // 1	2
P22	Poisoning	2 // 1	1
S22	Stroke	2 // 1	1
T22	Trouble Breathing	2 // 1	1
U22	Unconscious	2 // 1	1
UNK22	Sick Person	2 // 1	1
Z22	Seizures	2 // 1	1
23	General Response	2 // 3	1
23A	Appliance Fire	2 // 3	1
23B	Open Burn	2 // 3	1
23C	Chimney Fire	2 // 2	1
23D	Dumpster Fire	2 // 3	1



<b>Phone Phase</b>	<b>Call Management - Signal List</b>	<b>Page 4</b>
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Signal	Signal Description	Police // Fire-EMS Priorities	Police Unit Recommendation
<b>23E</b>	Electrical Fire	2 // 3	1
<b>23ETP</b>	Emergency To Property	2 // 3	1
<b>23F</b>	Brush / Mulch / Field Fire	2 // 3	1
<b>23FUEL</b>	Fuel Spill	2 // 3	1
<b>23G</b>	Odor Of Natural Gas	2 // 3	1
<b>23I</b>	Smoke / Odor Indoors	2 // 2	1
<b>23LZ</b>	Set Up L/Z	2 // 3	1
<b>23O</b>	Smoke / Odor Outdoors	2 // 3	1
<b>23S</b>	Structure Fire	2 // 0	1
<b>23U</b>	Pole / Transformer Fire	2 // 3	1
<b>23V</b>	Vehicle Fire	2 // 3	1
<b>23W</b>	Wires Down / Arcing / Fire	2 // 3	1
<b>24</b>	Traffic Hazard	4	1
<b>24A</b>	Dead Animal In The Road	4	1
<b>24D</b>	Debris In The Road	4	1
<b>24DV</b>	Disabled Vehicle	4	1
<b>24HW</b>	High Water	4	1
<b>24I</b>	Icy Road Conditions	4	1
<b>24OVI</b>	OVI Being Followed	4	1
<b>24R</b>	Reckless Operator	4	1
<b>24T</b>	Traffic Light Malfunction	4	1
<b>25</b>	Trouble	1	2
<b>25B</b>	Trouble Brewing	3	2
<b>25C</b>	Trouble W/A Customer	1	2
<b>25D</b>	Domestic Trouble	1	2
<b>25E</b>	Trouble W/An Employee	1	2
<b>25N</b>	Neighbor Trouble	1	2
<b>28</b>	Investigate (See Comments)	4	1
<b>28DRUG</b>	Drug Violation	4	1
<b>28FW</b>	Fireworks Complaint	5	1
<b>28LM</b>	Loud Music	4	1
<b>28LP</b>	Loud Party	4	1
<b>28NC</b>	Noise Complaint	4	1
<b>28P</b>	Suspicious Person	3	1
<b>28PFO</b>	Place Found Open	3	2
<b>28TP</b>	Trespassers	3	1
<b>29</b>	Animal Complaint	4	1
<b>29I</b>	Injured Animal	3	1
<b>29S</b>	CARE Respond / Call	5	1
<b>30</b>	Wanted Person	3	2
<b>52GB</b>	Gone/Back Msg At Station	3	1
<b>55</b>	Call The Comm Center	5	0



<b>Phone Phase</b>	<b>Call Management - Signal List</b>	<b>Page 5</b>
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Signal	Signal Description	Police // Fire-EMS Priorities	Police Unit Recommendation
77	Recorded Intrusion Alarm	3	2
<b>77E</b>	<b>Recorded Elevator Alarm</b>	2 // 3	1
<b>77F</b>	<b>Recorded Fire Alarm</b>	2 // 3	1
77H	Recorded Holdup Alarm	1	2
77P	Recorded Panic Alarm	3	2
99	Trouble At This Station	0	3
<b>ABDUCT</b>	Abduction	1	2
<b>ACB</b>	<b>All County Broadcast</b>	6	0
<b>ACTIVE</b>	<b>Active Threat</b>	0 // 0	3
<b>ASSAULT</b>	Assault In Progress	1	2
ATL	Attempt To Locate	4	1
AUTO	Auto Theft	1	2
BACK	Back Up An Officer	3	2
BANK	See Mgr Ref Info	5	1
BARK	Barking Dog	4	1
BOLO	Be On Lookout For	4	1
<b>BOMB</b>	<b>Bomb Threat / Device</b>	2 // 3	2
BURG	Burglary In Progress	1	2
<b>C911</b>	<b>Cellular E911 Hang Up - Called Back</b>	6	0
<b>C911N</b>	<b>Cellular E911 Hang Up – Not Call B</b>	6	0
CALL	Telephone Call	5	1
CHILD	Child / Juvenile Endangered	1	2
CHKOCC	Check On Well Being	3	1
<b>COLLAP</b>	<b>Structural Collapse</b>	2 // 2	1
<b>CONF</b>	<b>Confined Space Rescue</b>	2 // 2	1
CRIT	Critical Missing Adult	1	2
CRMDAM	Criminal Damaging In Progress	1	2
<b>DEPART</b>	<b>Department Referral</b>	6	0
<b>DISAST</b>	<b>Disaster Incident</b>	2 // 3	0
ESCORT	Escort Detail	5	1
FEST	Festival Detail	10	0
<b>FTEST</b>	<b>Test Fire Detail</b>	- // 4	0
FTP	Failure To Pay Just Occured	3	1
<b>H911</b>	<b>Hang Up E911 Call</b>	6	0
<b>HAZMAT</b>	<b>Hazmat Incident</b>	2 // 2	1
<b>HIGH</b>	<b>High Angle Rescue</b>	2 // 2	1
INFO	Information Incident	5	1
LOCK	Lock Out Assist	4	1
MFF	Mobile Field Force Incident	10	0



Phone Phase	Call Management - Signal List	Page 6
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Signal	Signal Description	Police // Fire-EMS Priorities	Police Unit Recommendation
MISC	Misc Service Request	9	0
MISS	Missing Child	1	2
OFFAST	Officer Needs Assistance	0	3
PLANE	Plane Crash	2 // 2	3
RAPE	Sexual Assault	1	2
RECALL	Recall Personnel	- // 4	0
REPO	Repo Vehicle Information	6	1
ROBB	Robbery In Prog / Just Occurred	1	2
SHOP	Holding A Shoplifter	3	1
SHOTS	Investigate Shots Fired	1	2
SPEC	Special Detail	10	0
SRO	School Resource Officer	10	0
STORM	Storm Plan Activation	- // 2	0
SWAT	Swatwatveve Incident	10	0
TEAM	Team Activation	- // 4	0
TEST	Test Detail	6	0
THEFT	Theft in Prog / Just Occ	1	2
TRAIN	Train Derailment	2 // 2	3
TRENCH	Trench Rescue	2 // 2	1
UTIL	Utility Co Request	9	0
VEHTAM	Vehicle Tampering	1	2
WATER	Water Rescue / Recovery	2 // 2	1
X911	Transferred 911 Call	6	0

## **HCCC Policy on Signal Type and Priority Response.pdf**

**Signal type with priority and manpower.**

Black details create police detail only.

Red details create a fire detail with option for police detail

Blue details create EMS detail with option to create police detail.

Green details create a misc request, 38, or admin detail. NO POLICE OR FIRE DETAIL CREATED

If a fire detail is not desired the signal type must be preceded by a P.

<u>EMS DETAILS</u>	<u>FIRE DETAILS</u>
<u>MISC REQUESTS</u>	

SIGNAL	EXPLANATION	Priority	Manpower
1	Call your station	4	1
2	Go to your station	4	1
2C	Go to your station see compl	4	1
3	Auto Accident	3	1
3A	Auto Accident – advise on injuries	2	1
3B	Auto Accident – Building Struck	2	1
3D	Auto Accident – Animal Struck	3	1
3H	Auto Accident - Hit skip	2	1
7	Intrusion Alarm	2	2
7A	Audible Intrusion Alarm	2	2
7DV	Domestic Violence Alarm	2	2
7H	Holdup Alarm	1	2
7NC	Intrusion Alarm Subj W/O Code	2	1
7P	Panic Alarm	2	2
7V	Vehicle GPS Alarm	2	1
8	See a complainant	3	1
8FW	See compl ref fireworks	3	1
8HAZ	See comp ref susp item	1	1
8KEY	See Keyholder ref Earlier Alm	3	1
8L	Lift Assistance	2	1
10	Fight in Progress	1	2
11	Prowlers	2	2
12	Parking Violation	3	1
12A	Abandoned Vehicle	3	1
13	Unknown Trouble	1	3
13E	Silent 911 Call	2	1
13GPS	Trouble Loc From Cell PH GPS	1	2
14	See compl for a report	3	1
14A	See compl – Assault report	3	1
14AA	See compl - Auto Acc report	3	1

<b>14AB</b>	See compl – Animal Bite Report	3	1
<b>14AUTO</b>	See compl – Auto Theft Report	3	1
<b>14B</b>	See compl – Burglary Report	3	1
<b>14BC</b>	See compl – Bad Check Report	3	1
<b>14F</b>	See compl – Found Property Report	3	1
<b>14H</b>	See compl – Harassment Report	3	1
<b>14L</b>	See compl – Lost Property Report	3	1
<b>14M</b>	See compl – Missing Person Report	3	1
<b>14P</b>	See compl – Phone Harassment/Threat	3	1
<b>14PD</b>	See compl – Property Damage Report	3	1
<b>14S</b>	See compl – Supplemental Report	3	1
<b>14T</b>	See compl – Theft Report	3	1
<b>15</b>	Suspicious Vehicle	2	1
<b>15VO</b>	Suspicious Occupied Vehicle	2	1
<b>16</b>	Person with a weapon	1	2
<b>16G</b>	Person with a gun	1	2
<b>16K</b>	Person with a knife	1	2
<b>17</b>	Disorderly Crowd	1	2
<b>17P</b>	Disorderly Person	1	2
<b>19</b>	Meet officer	4	1
<b>20</b>	Juvenile Complaint	3	1
<b>20D</b>	Disorderly Juveniles	3	1
<b>21</b>	Pickup Prisoner	4	1
<b>21H</b>	Holding a Prisoner	3	1
<b>24</b>	Traffic Hazard	3	1
<b>24A</b>	Dead animal in the road	3	1
<b>24D</b>	Debris in the Road	3	1
<b>24DV</b>	Disabled Vehicle	3	1
<b>24HW</b>	Investigate High Water	3	1
<b>24I</b>	Icy Road Conditions	3	1
<b>24OVI</b>	OVI Being Followed		
<b>24R</b>	Reckless Operator	3	1
<b>24T</b>	Traffic Light Malfunction	3	1
<b>25</b>	Trouble	1	2
<b>25B</b>	Trouble Brewing	2	2
<b>25C</b>	Trouble with a Customer	1	2
<b>25D</b>	Domestic Trouble	1	2
<b>25E</b>	Trouble with an employee	1	2
<b>25N</b>	Neighbor Trouble	1	2
<b>28</b>	Investigate	3	1
<b>28DRUG</b>	Drug Offense (Specify)	3	1
<b>28FW</b>	Fireworks Investigate Only	4	1
<b>28LM</b>	Inv Loud Music	3	1
<b>28LP</b>	Investigate Loud Party	3	1
<b>28NC</b>	Noise Complaint	3	1
<b>28P</b>	Suspicious Person	2	1
<b>28PFO</b>	Place Found Open	2	2
<b>28TP</b>	Investigate Trespasser	2	1

<b>29</b>	Animal Complaint	3	1
<b>29I</b>	Injured Animal	2	1
<b>29S</b>	SPCA unit Respond / Call	4	1
<b>30</b>	Wanted Person	2	2
<b>52GB</b>	Gone/Back Msg at Your Station	2	1
<b>55</b>	Call the Communications Center	4	1
<b>77</b>	Recorded Intrusion Alarm	2	2
<b>77H</b>	Recorded Holdup	1	2
<b>77P</b>	Recorded Panic Alarm	2	2
<b>99</b>	Trouble at This Station	0	3
<b>ABDUCT</b>	Abduction	1	2
<b>ALRWRK</b>	Inv Person Servicing Alarm Sys	3	1
<b>ASSALT</b>	Assault in progress/just occ	1	2
<b>ATL</b>	Attempt to Locate	3	1
<b>AUTO</b>	Auto Theft	1	2
<b>BACK</b>	Back Up Officer	2	2
<b>BANK</b>	See the Manager Info	4	1
<b>BARK</b>	Barking Dog	3	1
<b>BOLO</b>	Be on the Lookout For	3	1
<b>BURG</b>	Burglary in progress/just occ	1	2
<b>C911</b>	Cellular 911 hang up call	5	0
<b>C911N</b>	Cellular 911 hang up-no callback	7	0
<b>CALL</b>	Telephone Call/Information	4	1
<b>CHKOCC</b>	Check on the Well Being of Occ	2	1
<b>CRMDAM</b>	Criminal Damaging	2	2
<b>ESCORT</b>	Escort Detail	4	1
<b>FTP</b>	Failure to Pay just Occurred	2	1
<b>H911</b>	E911 Hang-up Call	5	0
<b>INFO</b>	Information	4	1
<b>LOCK</b>	Assist a Lockout	3	1
<b>MISS</b>	MISSING CHILD	1	2
<b>OFFAST</b>	Officer Needs Assistance	0	3
<b>RAPE</b>	Sexual Assault	1	2
<b>REPO</b>	Repossessed Vehicle	5	0
<b>ROBB</b>	Robbery	1	2
<b>SHOP</b>	Holding a Shoplifter	2	1
<b>SHOTS</b>	Investigate Shots Fired	1	2
<b>SPEC</b>	Special Detail	9	1
<b>SRO</b>	School Resource Officer	9	1
<b>SWAT</b>	SWAT Incident	1	1
<b>TDD</b>	TDD Test Call	5	1
<b>TEST</b>	Test Detail	4	1
<b>THEFT</b>	Theft just Occurred	1	2
<b>VEHTAM</b>	Vehicle Tampering	1	2
<b>X911</b>	Transferred 911 Call	4	0



**OCLEAC Standards Compliance  
Checklist 5-19-2020.pdf**



## STANDARDS COMPLIANCE CHECKLIST

This document shall accompany all agency compliance submissions consisting of agency directive(s) and proofs of compliance documentation specific to each standard.

The agency directive and associated compliance documentation shall:

- 1) Adequately cover each standard and associated bullet;
- 2) Be clearly marked with each standard number and bullet, and;
- 3) Include an explanation in the space provided for any areas where compliance could not be met.

Any submissions not meeting the above criteria will be forwarded to a subject matter expert for assistance and may result in a delay in the agency obtaining Ohio Collaborative Certification.

### STANDARD 8.2015.1

#### USE OF FORCE / DEADLY FORCE

The agency maintains a Use of Force / Deadly Force written directive that includes:

- a. policy statements in support of the Ohio Collaborative guiding principles;
- b. when a written report shall be conducted;
- c. investigation / report reviews for policy compliance; and
- d. annual read and sign and testing over directive content for sworn agency personnel.

#### GUIDING PRINCIPLES

##### USE OF FORCE

Employees may only use the force which is reasonably necessary to effect lawful objectives including: effecting a lawful arrest or overcoming resistance to a lawful arrest, preventing the escape of an offender, or protecting or defending others or themselves from physical harm.

##### USE OF DEADLY FORCE

The preservation of human life is of the highest value in the State of Ohio. Therefore, employees must have an objectively reasonable belief deadly force is necessary to protect life before the use of deadly force. Deadly force may be used only under the following circumstances: 1. to defend themselves from serious physical injury or death; 2. to defend another person from serious physical injury or death; or 3. In accordance with U.S. and Ohio Supreme Court decisions, specifically, *Tennessee v. Garner* and *Graham v. Connor*.

↓ *For agency completion: Agency compliance feedback for Use of Force / Deadly Force*

**Written directive** meets all bullets (if no, explain):

Supporting **compliance documentation** meets all bullets (if no, explain):

## STANDARD 8.2015.2

### RECRUITMENT AND HIRING

The agency maintains a Recruitment and Hiring directive that includes:

- a. policy statements in support of the Ohio Collaborative guiding principles;
- b. establishment of an agency recruitment plan;
- c. establishment of agency EEO plan;
- d. identification of sworn officer applicant qualifications;
- e. identification of sworn officer application and selection process;
- f. annual review of agency hiring and recruitment process; and
- g. initial read and sign over agency hiring and recruitment directive, for applicable personnel.

### GUIDING PRINCIPLES

The goal of every Ohio law enforcement agency is to recruit and hire qualified individuals while providing equal employment opportunity. Ohio law enforcement agencies should consist of a diverse workforce. Communities with diverse populations should strive to have a diverse work force that reflects the citizens served.

Non-discrimination and equal employment opportunity is the policy. Law enforcement agencies shall provide equal terms and conditions of employment regardless of race, color, religion, sex, sexual orientation, gender identity, age, national origin, veteran status, military status, or disability. This applies to all terms or conditions associated with the employment process, including hiring, promotions, terminations, discipline, performance evaluations, and interviews.

Agencies should utilize due diligence in ensuring that their prospective employees have the proper temperament, knowledge and attitude to handle this very difficult job. Agencies should have appropriate mechanisms in place in order to achieve this mission. Further, agencies should ensure their employment requirements are related to the skills that are necessary to be a successful employee.

*↓ For agency completion: Agency compliance feedback for Recruitment and Hiring Standard*

**Written directive** meets all bullets (if no, explain):

Supporting **compliance documentation** meets all bullets (if no, explain):

## STANDARD 8.2016.3

### COMMUNITY ENGAGEMENT

The agency maintains a written directive on Community Engagement activities that includes:

- a. policy statements in support of the Ohio Collaborative guiding principles;
- b. identification of agency specific programs;
- c. methods for sharing and receiving information within the agency's service area; and
- d. initial read and sign over agency community engagement directive for all agency personnel.

### GUIDING PRINCIPLES

Agencies shall utilize proven strategies or develop their own strategies that are focused on community engagement. Examples may include: youth programs, educating the community on police policy and procedures, educating officers about the community they serve, sharing , receiving and providing information to the public, jointly identifying areas of concern, and communicating, when appropriate, significant changes in agency operations or other areas.

The intent of this standard is to establish agency accountability for the community involvement function in writing. The function should be developed and operated to effectively meet the needs of the agency, with consideration of the department size and budget, as well as the community it serves.

↓ *For agency completion: Agency Compliance Feedback for Community Engagement*

**Written directive** meets all bullets (if no, explain):

Supporting **compliance documentation** meets all bullets (if no, explain):

## STANDARD 12.2016.4

### BODY WORN CAMERAS

If applicable, the agency maintains a written directive on Body Worn Cameras that includes:

- a. the purpose and organizational philosophy regarding use in support of the Ohio Collaborative guiding principles;
- b. requirements and restrictions for activation and deactivation of the device;
- c. criminal and administrative use of the camera captured data;
- d. data storage, retention and disclosure requirements reflective of public records law and privacy concerns;
- e. requirements for a documented review of camera captured data; and
- f. initial read and sign for users and supervisors

### GUIDING PRINCIPLES

Agencies utilizing body worn cameras must develop strong and consistent policies that provide guidance to their personnel as to the appropriate use of body worn cameras. Policies need to address, at a minimum, activation and deactivation, auditing, storage, retention, public records and releases video related to victims, especially child victims, injured victims, victims of sexual assault and other privacy concerns. It is recognized the audio and video data is viable recorded evidence that may provide a means of accountability for those officers and the public. It is also recognized the audio video data may not be an accurate reflection of all that is involved with an incident. Audio video data cannot reflect the human cognitive conditions associated with officer in public contact. Additionally, A/V shall not supersede the principles established by *Graham v. Connor*.

↓ *For agency completion: Agency Compliance Feedback for Body Worn Cameras*

**Written directive** meets all bullets (if no, explain):

Supporting **compliance documentation** meets all bullets (if no, explain):

## STANDARD 12.2016.5

### LAW ENFORCEMENT TELE-COMMUNICATOR TRAINING

If the agency employs Tele-communicators, as defined by [ORC 4742.01](#), the agency must ensure a training program and directives exist to allow for Tele-communicators to be proficient in:

- a. obtaining complete and accurate information callers requesting law enforcement assistance;
- b. accurately classifying and prioritizing requests for assistance; and
- c. obtaining and accurately relaying information which may affect responder and / or citizen safety.

### GUIDING PRINCIPLES

Training shall meet and support minimum standards as established by legislation for 911 call centers and public safety answering points (PSAPs).

↓ *For agency completion: Agency Compliance Feedback for Tele-communicator Training*

**Written directive** meets all bullets (if no, explain):

Supporting **compliance documentation** meets all bullets (if no, explain):

## STANDARD 3.2017.6

### BIAS FREE POLICING

The agency maintains a written directive on Bias Free Policing that includes:

- a. policy statements in support of the Ohio Collaborative guiding principles;
- b. training on bias based profiling issues and relevant legal aspects;
- c. corrective measures to address violations of this policy to include a Supervisor's review and discipline on violations to the policy;
- d. data collection on all self-initiated traffic stops; and
- e. annual administrative review that is made available to the public.

### GUIDING PRINCIPLES

Criminal Profiling, in itself, can be a useful tool to assist law enforcement officers in carrying out their duties. Officers shall not consider race / ethnicity to establish reasonable suspicion or probable cause, except that officers may take into account the reported race / ethnicity of a potential suspect(s) based on trustworthy, locally relevant information that links a person or persons of a specific race / ethnicity to a particular unlawful incident(s).

Law enforcement agencies should prohibit the use of any bias based profiling in its enforcement programs, as it may lead to violations of the constitutional rights of the citizens served, undermine legitimate law enforcement efforts and may lead to claims of civil rights violations. Additionally, bias based profiling alienates citizens, fosters distrust of law enforcement by the community and may result in media scrutiny, legislative action and judicial intervention.

Law enforcement personnel should focus on a person's conduct or other specific suspect information. Annually, the agency should include profiling related training that should include field contacts, traffic stops, search issues, asset seizure and forfeiture, interview techniques, cultural diversity, discrimination and community support.

↓ *For agency completion: Agency Compliance Feedback for Bias Free Policing*

**Written directive** meets all bullets (if no, explain):

Supporting **compliance documentation** meets all bullets (if no, explain):

## STANDARD 3.2018.7

### INVESTIGATION OF EMPLOYEE MISCONDUCT

The agency maintains a written directive on Investigations of Employee Misconduct that includes:

- a. policy statements in support of the Ohio Collaborative guiding principles;
- b. describe formal complaint process, outline how and where to file a complaint;
- c. outline procedures for accepting, processing, and investigating the complaint;
- d. have a timeline for the resolution of the complaint;
- e. include safeguards to protect legal and contractual rights of employees; and
- f. ensure the public has access to complaints and / or commendations through social media or the agency's community relations programs.

### GUIDING PRINCIPLES

A well-constructed complaint process is an integral tool in community-police relations. There is a significant impact when a community knows and understands its concerns can be legitimately addressed in a proper setting. Further, officers can be better served when they can refer aggrieved individuals to a trusted process. Neither officers nor community members benefit from attempts to have concerns addressed and redressed during a traffic stop or in the midst of an incident. It may prove beneficial for law enforcement agencies to reach out to community members in an effort to publicize, promote and develop processes that are mutually beneficial to all.

↓ *For agency completion: Agency Compliance Feedback for Investigation of Employee Misconduct*

**Written directive** meets all bullets (if no, explain):

Supporting **compliance documentation** meets all bullets (if no, explain):

AGENCY NAME	O.R.I.#
AGENCY CONTACT	CONTACT #

## **CGO6PurchaseRequestForm PDF.pdf**

# Mt. Healthy Police Department Purchase Request | 2019

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**Date:**

**Officer/Member Name:**

**Model Number:**

**Color:**

**Approved by:**

**Date:**

**Attach Receipts all Receipts**



**OCLEAC Standards Compliance  
Checklist Updated 2017.pdf**



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### STANDARD 8.2015.1

#### USE OF FORCE / DEADLY FORCE

The agency maintains a use of force / deadly force written directive that includes:

- a. policy statements in support of the Ohio Collaborative guiding principles;
- b. when a written report shall be conducted;
- c. investigation / report reviews for policy compliance; and
- d. annual read and sign and testing over directive content for sworn agency personnel.

#### GUIDING PRINCIPLES

##### USE OF FORCE

Employees may only use the force which is reasonably necessary to effect lawful objectives including: effecting a lawful arrest or overcoming resistance to a lawful arrest, preventing the escape of an offender, or protecting or defending others or themselves from physical harm.

##### USE OF DEADLY FORCE

The preservation of human life is of the highest value in the State of Ohio. Therefore, employees must have an objectively reasonable belief deadly force is necessary to protect life before the use of deadly force. Deadly force may be used only under the following circumstances: 1. To defend themselves from serious physical injury or death; or 2. To defend another person from serious physical injury or death; or 3. In accordance with U.S. and Ohio Supreme Court decisions, specifically, *Tennessee v. Garner* and *Graham v. Connor*.

↓ *For agency completion: Agency compliance feedback for Use of Force / Deadly Force*

**Written directive** meets all bullets (if no, explain):

Supporting **compliance documentation** meets all bullets (if no, explain):

## STANDARD 8.2015.2

### RECRUITMENT AND HIRING

The agency maintains a Recruitment and Hiring directive that includes:

- a. policy statements in support of the Ohio Collaborative guiding principles;
- b. establishment of an agency recruitment plan;
- c. establishment of agency EEO plan;
- d. identification of sworn officer applicant qualifications;
- e. identification of sworn officer application and selection process;
- f. annual review of agency hiring and recruitment process; and
- g. annual read and sign and testing over agency hiring and recruitment directive, for applicable personnel.

### GUIDING PRINCIPLES

The goal of every Ohio law enforcement agency is to recruit and hire qualified individuals while providing equal employment opportunity. Ohio law enforcement agencies should consist of a diverse workforce. Communities with diverse populations should strive to have a diverse work force that reflects the citizens served.

Non-discrimination and equal employment opportunity is the policy. Law enforcement agencies shall provide equal terms and conditions of employment regardless of race, color, religion, sex, sexual orientation, gender identity, age, national origin, veteran status, military status, or disability. This applies to all terms or conditions associated with the employment process, including hiring, promotions, terminations, discipline, performance evaluations, and interviews.

Agencies should utilize due diligence in ensuring that their prospective employees have the proper temperament, knowledge and attitude to handle this very difficult job. Agencies should have appropriate mechanisms in place in order to achieve this mission. Further, agencies should ensure their employment requirements are related to the skills that are necessary to be a successful employee.

*↓ For agency completion: Agency compliance feedback for Recruitment and Hiring Standard*

**Written directive** meets all bullets (if no, explain):

Supporting **compliance documentation** meets all bullets (if no, explain):

## STANDARD 8.2016.3

### COMMUNITY ENGAGEMENT

The agency maintains a written directive on community engagement activities and includes the following:

- a. policy statements in support of the Ohio Collaborative guiding principles:
- b. identification of agency specific programs;
- c. methods for sharing and receiving information within the agency's service area;
- d. annual read and sign and testing over agency community engagement directive for all agency personnel.

### GUIDING PRINCIPLES

Agencies shall utilize proven strategies or develop their own strategies that are focused on community engagement. Examples may include: youth programs, educating the community on police policy and procedures, educating officers about the community they serve, sharing , receiving and providing information to the public, jointly identifying areas of concern, and communicating, when appropriate, significant changes in agency operations or other areas.

The intent of this standard is to establish agency accountability for the community involvement function in writing. The function should be developed and operated to effectively meet the needs of the agency, with consideration of the department size and budget, as well as the community it serves.

↓ *For agency completion: Agency Compliance Feedback for Community Engagement*

**Written directive** meets all bullets (if no, explain):

Supporting **compliance documentation** meets all bullets (if no, explain):

## STANDARD 12.2016.4

### BODY WORN CAMERAS

If the agency utilizes body worn cameras, a written directive includes:

- a. The purpose and organizational philosophy regarding use in support of the Ohio Collaborative guiding principles;
- b. requirements and restrictions for activation and deactivation of the device;
- c. criminal and administrative use of the camera captured data
- d. data storage, retention and disclosure requirements reflective of public records law and privacy concerns;
- e. requirements for a documented review of camera captured data; and
- f. accountability and annual training requirements (read and sign and testing) for users and supervisors.

### GUIDING PRINCIPLES

Agencies utilizing body worn cameras must develop strong and consistent policies that provide guidance to their personnel as to the appropriate use of body worn cameras. Policies need to address, at a minimum, activation and deactivation, auditing, storage, retention, public records and releases video related to victims, especially child victims, injured victims, victims of sexual assault and other privacy concerns. It is recognized the audio and video data is viable recorded evidence that may provide a means of accountability for those officers and the public. It is also recognized the audio video data may not be an accurate reflection of all that is involved with an incident. Audio video data cannot reflect the human cognitive conditions associated with officer in public contact. Additionally, A/V shall not supersede the principles established by *Graham v. Connor*.

↓ *For agency completion: Agency Compliance Feedback for Body Worn Cameras*

**Written directive** meets all bullets (if no, explain):

Supporting **compliance documentation** meets all bullets (if no, explain):

**STANDARD 12.2016.5**

**TELECOMMUNICATOR TRAINING**

If the agency employs telecommunicators, as defined by [ORC 4742.01](#), the agency must ensure a training program and directives exist to allow for telecommunicators to be proficient in:

- a. Obtaining complete and accurate information from callers requesting law enforcement assistance;
- b. accurately classifying and prioritizing requests for assistance; and
- c. accurately relaying information which may affect responder and/or citizen safety.

**GUIDING PRINCIPLES**

Training shall meet and support minimum standards as established by legislation, [OAC 5507-1](#), for 911 call centers and public safety answering points (PSAPs). Acceptable training may include: classroom or equivalent; utilization of nationally recognized dispatcher training; and, training developed by individual agencies to meet the specific needs of their communities.

*↓ For agency completion: Agency Compliance Feedback for Telecommunicator Training*

**Written directive** meets all bullets (if no, explain):

Supporting **compliance documentation** meets all bullets (if no, explain):

AGENCY NAME	O.R.I.#
AGENCY CONTACT	CONTACT #

## **OCLEAC Standard 1.pdf**



**OHIO COLLABORATIVE  
LAW ENFORCEMENT AGENCY CERTIFICATION**

**STANDARDS COMPLIANCE CHECKLIST**

**Standard Number: 1**

**USE OF FORCE** Employees may only use the force which is reasonably necessary to affect lawful objectives including: affecting a lawful arrest or overcoming resistance to a lawful arrest, preventing the escape of an offender, or protecting or defending others or themselves from physical harm.

**USE OF DEADLY FORCE** The preservation of human life is of the highest value in the State of Ohio. Therefore, employees must have an objectively reasonable belief deadly force is necessary to protect life before the use of deadly force. Deadly force may be used only under the following circumstances: 1. To defend themselves from serious physical injury or death; or 2. To defend another person from serious physical injury or death; or 3. In accordance with U.S. and Ohio Supreme Court decisions, specifically, *Tennessee v. Garner* and *Graham v. Connor*.

**1.1 Policy Statements**

A directive establishes the agency's use of force and use of deadly force policy statements and

- a.** agency sworn personnel are issued copies of the agency's use of force and use of deadly force policy statements.
- b.** agency sworn personnel are annually trained and tested on use of force and use of deadly force policy statements.
- c.** agency provides documentation showing compliance.

Comments: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

**1.2 Training**

A directive states the agency's policy on use of force and use of deadly force training and

- a. agency sworn personnel are issued copies of the agency's use of force and use of deadly force training policy.
- b. agency sworn personnel are annually trained and tested on the agency's use of force and use of deadly force training policy.
- c. agency provides documentation showing compliance.

Comments: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**1.3 Reporting**

A directive requires a written report be taken when there is a use of force or use of deadly force incident and

- a. agency sworn personnel are issued copies of the agency's use of force and use of deadly force reporting policy.
- b. agency sworn personnel are annually trained and tested on the agency's use of force and use of deadly force reporting policy.
- c. agency provides documentation showing compliance.

Comments: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**1.4 Reviews/investigations**

A directive requires each use of force and use of deadly force report is reviewed/investigated by a defined level of authority to determine compliance with agency policies and



- a. agency sworn personnel are issued copies of the agency's use of force and use of deadly force reviews/investigations policy.
- b. agency sworn personnel are annually trained and tested on the agency's use of force and use of deadly force reviews/investigations policy.
- c. agency provides documentation showing compliance.

Comments: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

## **OCLEAC Standard 2.pdf**



## OHIO COLLABORATIVE LAW ENFORCEMENT AGENCY CERTIFICATION

### STANDARDS COMPLIANCE CHECKLIST

Standard Number: 2

**AGENCY EMPLOYEE RECRUITMENT AND HIRING** The goal of every Ohio law enforcement agency is to recruit and hire qualified individuals while providing equal employment opportunity. Ohio law enforcement agencies should consist of a diverse workforce. Communities with diverse populations should strive to have a diverse work force that reflects the citizens served.

Non-discrimination and equal employment opportunity is the policy. Law enforcement agencies shall provide equal terms and conditions of employment regardless of race, color, religion, sex, sexual orientation, gender identity, age, national origin, veteran status, military status, or disability. This applies to all terms or conditions associated with the employment process, including hiring, promotions, terminations, discipline, performance evaluations, and interviews.

Agencies should utilize due diligence in ensuring that their prospective employees have the proper temperament, knowledge and attitude to handle this very difficult job. Agencies should have appropriate mechanisms in place in order to achieve this mission. Further, agencies should ensure their employment requirements are related to the skills that are necessary to be a successful employee.

**2.1 Policy statement**

A directive establishes the agency's recruitment and hiring policy statement for sworn personnel and

- a.** agency personnel that are involved in recruitment and hiring activities are issued copies of the agency's employee recruitment and hiring policy statement.
- b.** agency personnel that are involved in recruitment and hiring activities are annually trained and tested on the agency's employee recruitment and hiring policy statement.
- c.** agency provides documentation showing compliance.

Comments: \_\_\_\_\_  
\_\_\_\_\_

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**2.2 Recruitment plan**

A directive establishes the agency's recruitment plan for sworn personnel and

- a. agency personnel that are involved in recruitment and hiring activities are issued copies of the agency's recruitment plan.
- b. agency personnel that are involved in recruitment and hiring activities are annually trained and tested on the agency's recruitment plan.
- c. agency provides documentation showing compliance.

Comments: \_\_\_\_\_

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**2.3 Employee recruitment and hiring equal employment opportunity plan**

A directive states the agency's plan on equal employment opportunity for sworn personnel and

- a. agency personnel that are involved in recruitment and hiring activities are issued copies of the agency's equal employment opportunity plan.
- b. agency personnel that are involved in recruitment and hiring activities are annually trained and tested on the agency's equal employment opportunity plan.
- c. agency provides documentation showing compliance.

Comments: \_\_\_\_\_

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**2.4 Employee recruitment and hiring qualifications**

A directive establishes the agency's qualifications for sworn applicants and

- a.** agency personnel that are involved in recruitment and hiring activities are issued copies of the agency's employee recruitment and hiring qualifications.
  
- b.** agency personnel that are involved in recruitment and hiring activities are annually trained and tested on the agency's employee recruitment and hiring qualifications.
  
- c.** agency provides documentation showing compliance.

Comments: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**2.5 Application process**

A directive establishes the agency's sworn application process including but not limited to physical examinations, emotional/psychological examinations, and background checks and

- a.** agency personnel that are involved in recruitment and hiring activities are issued copies of the agency's application process.
  
- b.** agency personnel that are involved in recruitment and hiring activities are annually trained and tested on the agency's application process.
  
- c.** agency provides documentation showing compliance.

Comments: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**2.6 Selection process**

A directive establishes the agency’s selection process for hiring sworn personnel and

- a. agency personnel that are involved in recruitment and hiring activities are issued copies of the agency’s selection process.
- b. agency personnel that are involved in recruitment and hiring activities are annually trained and tested on the agency’s selection process.
- c. agency provides documentation showing compliance.

Comments: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

**2.7 Annual review/analysis of recruitment and hiring process**

A directive requires the agency to conduct a documented annual review/analysis of its sworn personnel recruitment and hiring process and

- a. agency personnel that are involved in recruitment and hiring activities are issued copies of the agency’s selection process.
- b. agency personnel that are involved in recruitment and hiring activities are annually trained and tested on the agency’s annual review/analysis of recruitment and hiring process.
- c. agency provides documentation showing compliance.

Comments: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

Agency Name: \_\_\_\_\_ ORI # \_\_\_\_\_

Agency Contact: \_\_\_\_\_ Contact # \_\_\_\_\_

**OCLEAC Standards Compliance  
Checklist 8.2015.1.pdf**



**Ohio Collaborative  
Law Enforcement Agency Certification**

**Standards Compliance Checklist**

**This document shall accompany all agency compliance submissions consisting of agency directive(s) and proofs of compliance documentation specific to each standard.**

**The agency directive and associated compliance documentation shall:**

- 1) Adequately cover each standard and associated bullet;**
- 2) Be clearly marked with each standard number and bullet, and;**
- 3) Include an explanation in the space provided for any areas where compliance could not be met.**

**Any submissions not meeting the above criteria will be forwarded to a subject matter expert for assistance and may result in a delay in the agency obtaining Ohio Collaborative Certification.**

**STANDARD 8.2015.1 Use of Force/Deadly Force**

The agency maintains a use of force/deadly force written directive that includes:

- a. policy statements in support of the Ohio Collaborative guiding principles;
- b. when a written report shall be conducted;
- c. investigation/report reviews for policy compliance; and
- d. annual read and sign and testing over directive content for sworn agency personnel.

**GUIDING PRINCIPLES:**

**USE OF FORCE** Employees may only use the force which is reasonably necessary to effect lawful objectives including: effecting a lawful arrest or overcoming resistance to a lawful arrest, preventing the escape of an offender, or protecting or defending others or themselves from physical harm.

**USE OF DEADLY FORCE** The preservation of human life is of the highest value in the State of Ohio. Therefore, employees must have an objectively reasonable belief deadly force is necessary to protect life before the use of deadly force. Deadly force may be used only under the following circumstances: 1. To defend themselves from serious physical injury or death; or 2. To defend another person from serious physical injury or death; or 3. In accordance with U.S. and Ohio Supreme Court decisions, specifically, *Tennessee v. Garner* and *Graham v. Connor*.

**Written directive** meets all bullets (if no, explain):



Supporting **compliance documentation** meets all bullets (if no, explain):

Agency Name: \_\_\_\_\_ ORI # \_\_\_\_\_

Agency Contact: \_\_\_\_\_ Contact # \_\_\_\_\_

**OCLEAC Standards Compliance  
Checklist 8.2015.2.pdf**



**Ohio Collaborative  
Law Enforcement Agency Certification**

**Standards Compliance Checklist**

**This document shall accompany all agency compliance submissions consisting of agency directive(s) and proofs of compliance documentation specific to each standard.**

**The agency directive and associated compliance documentation shall:**

- 1) Adequately cover each standard and associated bullet;**
- 2) Be clearly marked with each standard number and bullet, and;**
- 3) Include an explanation in the space provided for any areas where compliance could not be met.**

**Any submissions not meeting the above criteria will be forwarded to a subject matter expert for assistance and may result in a delay in the agency obtaining Ohio Collaborative Certification.**

**Standard 8.2015.2 Recruitment and Hiring**

The agency maintains a Recruitment and Hiring directive that includes:

- a. policy statements in support of the Ohio Collaborative guiding principles;
- b. establishment of an agency recruitment plan;
- c. establishment of agency EEO plan;
- d. identification of sworn officer applicant qualifications;
- e. identification of sworn officer application and selection process;
- f. annual review of agency hiring and recruitment process; and
- g. annual read and sign and testing over agency hiring and recruitment directive, for applicable personnel.

**GUIDING PRINCIPLES:**

The goal of every Ohio law enforcement agency is to recruit and hire qualified individuals while providing equal employment opportunity. Ohio law enforcement agencies should consist of a diverse workforce. Communities with diverse populations should strive to have a diverse work force that reflects the citizens served.

Non-discrimination and equal employment opportunity is the policy. Law enforcement agencies shall provide equal terms and conditions of employment regardless of race, color, religion, sex, sexual orientation, gender identity, age, national origin, veteran status, military status, or disability. This applies

to all terms or conditions associated with the employment process, including hiring, promotions, terminations, discipline, performance evaluations, and interviews.

Agencies should utilize due diligence in ensuring that their prospective employees have the proper temperament, knowledge and attitude to handle this very difficult job. Agencies should have appropriate mechanisms in place in order to achieve this mission. Further, agencies should ensure their employment requirements are related to the skills that are necessary to be a successful employee.

**Written directive** meets all bullets (if no, explain):

Supporting **compliance documentation** meets all bullets (if no, explain):

Agency Name: \_\_\_\_\_ ORI # \_\_\_\_\_

Agency Contact: \_\_\_\_\_ Contact # \_\_\_\_\_

## **CGO46 Recovered Stolen Auto Process.pdf**

**Mt. Healthy Police Department  
Police Chief's General Order 46-2018  
Recovered Stolen Auto Process**

**The following guidelines will be used to document stolen vehicles recovered within the city of Mount Healthy. All vehicle recoveries will be considered crime scenes and treated accordingly. Following the recommendations below will ensure proper documentation and owner notification.**

**Mt. Healthy Police Reported Stolen Auto (no suspect)**

- Secure Vehicle
- Attempt to locate any witnesses, video (Canvases)
- Process vehicle for physical evidence (DNA, Fingerprints, etc.)
- Notify owner
- Tow if owner not located
- Remove vehicle from RCIC, NCIC, LEADS
- Remove stolen vehicle entry from stolen auto book in RCIC room
- Fully report all activity via narrative supplement in original PAMET report including teletype removal #
- Update property section of PAMET report with recovery information
- Blotter entry into PAMET reporting recovery
- Collect known DNA samples from proper owner/operator(s)
- Complete appropriate evidence submission sheet for physical evidence collected
- Submit evidence to appropriate agency for examination

**Outside Agency Reported Stolen Auto (perpetrator present)**

- Secure suspect
- Secure vehicle
- Interview suspect under Maranda
- Process/search vehicle for physical evidence
- Attempt to locate witnesses, video (Canvases)
- Notify reporting agency (Send "Hit Confirmation Request") via Hamilton County Communication Center through RCIC, NCIC, LEADS
- If reporting agency is towing the vehicle it should be towed by their rotation wrecker company
- Charge suspect for receiving stolen property if appropriate
- Prepare PAMET offense report for receiving stolen property, fully reporting the recovery of the vehicle and attach electronically in PAMET system.
- Request copy of original report from reporting agency

**Outside Agency Reported Stolen Auto (no perpetrator present)**

- Secure Vehicle
- Attempt to locate any witnesses, video (Canvases)

- Notify reporting agency (Send “Hit Confirmation Request”) via Hamilton County Communication Center through RCIC,NCIC, LEADS
- If reporting agency is towing the vehicle it should be towed by their rotation wrecker company
- The reporting agency is to process their stolen vehicle if they so choose
- Using the PAMET system document the recovery using the report classification Field Investigation Report and title it Recovered Stolen Auto , fully reporting all activity and investigation completed

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# Mount Healthy Police Department

## Policy Manual

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