

DIRECTIVE 1.1

LAW ENFORCEMENT AGENCY ROLE

Issue Date: 04/23/2020	By Order of Chief of Police
Rescinds: (Issue 05/05/2014)	CALEA Standards
Pages: 10	Referenced: 1.1.1; 1.1.2; 1.1.3 & 1.1.4

This directive consists of the following sections:

- 1.1.1 Oath of Office**
- 1.1.2 Code of Ethics**
- 1.1.3 Agency’s Role in Criminal Justice Diversion Programs**
- 1.1.4 Consular Notification**

POLICY AND PROCEDURE:

1.1.1 Oath of Office

Each member of the Miami Township Police Department, prior to assuming sworn status, shall take and subsequently abide by an oath of office to enforce the law, uphold the Constitution of the United States, the Constitution of the State of Ohio and the resolutions of Miami Township.

The oath will be administered and a signed copy will be placed in the officer's personnel file.

Miami Township Police Department Oath of Office

I, name of officer, do solemnly swear to uphold the Constitution of the United States of America, the Constitution and Laws of the State of Ohio and the Resolutions of Miami Township.

I recognize the badge of my office as a symbol of public faith and promise to be true to the ethics of police service. As an officer of the Miami Township Police Department, I shall faithfully serve all people within our jurisdiction with dignity, equality and compassion.

Officer _____ Date _____

Chief of Police _____ Date _____

Township Fiscal Officer _____ Date _____

1.1.2 Code of Ethics

All members of the Miami Township Police Department are expected to uphold high standards of ethical conduct. The Miami Township Police Department therefore subscribes to the Canons of Police Ethics, the Law Enforcement Code of Ethics and the Law Enforcement Code of Conduct as adopted by the International Association of Chiefs of Police. All members are expected to abide by these ethics.

Canons of Police Ethics

Article 1: Primary Responsibility of Job

The primary responsibility of the police service, and of the individual officer, is the protection of people of the United States through the upholding of laws. Chief among these laws is the Constitution of the United States and its Amendments. The law enforcement officer always represents the whole of the community and its legally expressed will and is never the arm of any political party or clique.

Article 2: Limitations of Authority

The first duty of a law enforcement officer, as upholder of the law, is to know its bounds upon him in enforcing it. Because he represents the legal will of the community, be it local, state, or federal, he must be aware of the limitations and proscriptions which the people, through the law, have placed upon him. He must recognize the genius of the American system of government, which gives to no man, groups of men, or institutions, absolute power; and he must ensure that he, as a prime defender of that system, does not pervert its character.

Article 3: Duty to be Familiar with the Law and with Responsibilities of Self and other Public Officials

The law enforcement officer shall assiduously apply himself to the study of the principles of the laws, which he is sworn to uphold. He will make certain of his responsibilities in the particulars of their enforcement, seeking aid from his superiors in matters of technicality or principle when these are not clear to him. He will make special effort to fully understand his relationship to other public officials, including other law enforcement agencies, particularly on matters of jurisdiction, both geographically and substantively.

Article 4: Utilization of Proper Means to Gain Proper Ends

Law enforcement officers shall be mindful of his responsibility to pay strict attention to the selection of means in discharging the duties of his office. Violations of law or disregard for public safety and property on the part of an officer are intrinsically wrong; they are self-defeating in that they instill in the public mind a like disposition. The employment of illegal means, no matter how worthy the end, is certain to encourage

disrespect for the law and its officers. If the law is to be honored, it must be by those who enforce it.

Article 5: Cooperation with Public Officials in the Discharge of their Authorized Duties

The law enforcement officer shall cooperate fully with other public officials in the discharge of authorized duties, regardless of party affiliation or personal prejudice. He shall be meticulous, however, in assuring himself of the propriety, under the law, of such actions and shall guard against the use of his office or person, whether knowingly or unknowingly, in any improper or illegal action. In any situation open to question, he shall seek authority from his superior officer, giving him a full report of the proposed service or action.

Article 6: Private Conduct

The law enforcement officer shall be mindful of his special identification by the public as an upholder of the law. Laxity of conduct or manner in private life, expressing either disrespect for the law or seeking to gain special privilege, cannot but reflect upon the police officer and the police service. The community and the service require that the law enforcement officer lead the life of a decent and honorable person. Following the career of a police officer gives no person special prerequisites. It does give the satisfaction and pride of following and furthering an unbroken tradition of safeguarding the American republic. The officer who reflects upon this tradition will not degrade it. Rather, he will so conduct his private life that the public will regard him as an example of stability, fidelity, and morality.

Article 7: Conduct Toward the Public

The law enforcement officer, mindful of his responsibility to the whole community, shall deal with individuals of the community in a manner calculated to instill respect for its laws and its police service. The law enforcement officer shall conduct his official life in a manner such as will inspire confidence and trust. Thus, he will be neither overbearing nor subservient, as no individual citizen has an obligation to stand in awe of him nor a right to command him. The officer will give service where he can, and will require compliance with the law. He will do neither from personal preference or prejudice but rather as a duly appointed officer of the law discharging his sworn obligation.

Article 8: Conduct in Arresting and Dealing with Law Violators

The law enforcement officer shall use his powers of arrest strictly in accordance with the law and with due regard to the rights of the citizen concerned. His office gives him no right to prosecute the violator nor to mete out punishment for the offense. He shall, at all times, have a clear appreciation of his responsibilities and limitations regarding detention of the violator. He shall conduct himself in such a manner as will minimize the possibility of having to use force. To this end, he shall cultivate a dedication to the

service of the people and the equitable upholding of their laws, whether in the handling of law violators or in dealing with the law abiding.

Article 9: Gifts and Favors

Law enforcement officer, representing government, bears the heavy responsibility of maintaining, in his own conduct, the honor and integrity of all government institutions. He shall, therefore, guard against placing himself in a position in which any person can expect special consideration or in which the public can reasonably assume that special consideration is being given. Thus, he should be firm in refusing gifts, favors or gratuities, large or small, which can, in the public mind, be interpreted as capable of influencing his judgment in the discharge of his duties.

Article 10: Presentation of Evidence

The law enforcement officer shall be concerned equally in the prosecution of the wrongdoer and the defense of the innocent. He shall ascertain what constitutes evidence and shall present such evidence impartially and without malice. In so doing, he will ignore social, political, and all other distinctions among the persons involved, strengthening the tradition of the reliability and integrity of an officer's word.

Article 11: Attitude toward Profession

The law enforcement officer shall regard the discharge of his duties as a public trust and recognize his responsibility as a public servant. By diligent study and sincere attention to self-improvement, he shall strive to make the best possible application of science to the solution of crime, and in the field of human relationships, shall strive for effective leadership and public influence in matters affecting public safety. He shall appreciate the importance and responsibility of his office and shall hold police work to be an honorable profession rendering valuable service to his community and country.

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 violence 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 violence 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 Code of Conduct

Primary Responsibilities of a Police Officer

A police officer acts as an official representative of government who is required and trusted to work within the law. The officer's powers and duties are conferred by statute. The fundamental duties of a police officer include serving the community, safeguarding lives and property, protecting the innocent, keeping the peace and ensuring the rights of all to liberty, equality and justice.

Performance of the Duties of a Police Officer

A police officer shall perform all duties impartially, without favor or affection or ill will and without regard to status, sex, race, religion, political belief or aspiration. All citizens will be treated equally with courtesy, consideration and dignity. Officers will never allow personal feelings, animosities or friendships to influence official conduct. Laws will be enforced appropriately and courteously and, in carrying out their responsibilities, officers will strive to obtain maximum cooperation from the public. They will conduct themselves in appearance and deportment in such a manner as to inspire confidence and respect for the position of public trust they hold.

Discretion

A police officer will use responsibly the discretion vested in his position and exercise it within the law. The principle of reasonableness will guide the officer's determinations, and the officer will consider all surrounding circumstances in determining whether any legal action shall be taken. Consistent and wise use of discretion, based on professional policing competence, will do much to preserve good relationships and retain the confidence of the public. There can be difficulty in choosing between conflicting courses of action. It is important to remember that a timely word of advice rather than arrest—which may be correct in appropriate circumstances—can be a more effective means of achieving a desired end.

Use of Force

A police officer will never employ unnecessary force or violence and will use only such force in the discharge of duty as is reasonable in all circumstances. The use of force should be used only with the greatest restraint and only after discussion, negotiation and persuasion have been found to be inappropriate or ineffective. While the use of force is occasionally unavoidable, every police officer will refrain from unnecessary infliction of pain or suffering and will never engage in cruel, degrading or inhuman treatment of any person.

Confidentiality

Whatever a police officer sees, hears or learns of that is of a confidential nature will be kept secret unless the performance of duty or legal provision requires otherwise. Members of the public have a right to security and privacy, and information obtained about them must not be improperly divulged.

Integrity

A police officer will not engage in acts of corruption or bribery, nor will an officer condone such acts by other police officers. The public demands that the integrity of police officers be above reproach. Police officers must, therefore, avoid any conduct that might compromise integrity and thus undercut the public confidence in a law enforcement agency. Officers will refuse to accept any gifts, presents, subscriptions, favors, gratuities or promises that could be interpreted as seeking to cause the officer to refrain from performing official responsibilities honestly and within the law. Police officers must not receive private or special advantage from their official status. Respect from the public cannot be bought; it can only be earned and cultivated.

Cooperation with Other Police Officers and Agencies

Police officers will cooperate with all legally authorized agencies and their representatives in the pursuit of justice. An officer or agency may be one among many organizations that may provide law enforcement services to a jurisdiction. It is imperative that a police officer assist colleagues fully and completely with respect and consideration at all times.

Personal-Professional Capabilities

Police officers will be responsible for their own standard of professional performance and will take every reasonable opportunity to enhance and improve their level of knowledge and competence. Through study and experience, a police officer can acquire the high level of knowledge and competence that is essential for the efficient and effective performance of duty. The acquisition of knowledge is a never-ending process of personal and professional development that should be pursued constantly.

Private Life

Police officers will behave in a manner that does not bring discredit to their agencies or themselves. A police officer's character and conduct while off duty must always be exemplary, thus maintaining a position of respect in the community in which he or she lives and serves. The officer's personal behavior must be beyond reproach.

Every member of the Miami Township Police Department shall abide by the requirements of the State of Ohio Ethics Law and any supporting Ohio Revised Code sections.

All newly hired personnel shall receive a copy of these canons and codes of ethics via receipt of this policy during their first week of employment with Miami Township. Additionally, all newly hired personnel shall receive a copy of the Ohio Ethics Law, Chapter 102. Further ethics training shall be conducted at least biennially through classroom instruction, shift briefings, computer-based training, bulletins or any other combination of methods determined by the Chief of Police.

1.1.3 Agency's Role in Criminal Justice Diversion Programs

There are a number of social service and criminal justice diversion programs that may be used by officers in lieu of arrest or other formal action. These include detoxification programs, mental health counseling, drug abuse counseling, diversion and other court sanctioned programs such as mediation. An officer may exercise discretion and apply any of these in lieu of arrest or in addition to arrest when it is the most reasonable for the offender and the violation.

A decision to divert a juvenile from the juvenile justice system for whom legal proceedings would be inappropriate or the use of other resources more effective should include:

- The nature of the alleged offense;
- The age and circumstances of the alleged offender;
- The offenders record, if applicable;
- The availability of community-based rehabilitation or treatment programs and the willingness of the parent/guardian to cooperate in directing the juvenile to such programs.

Employees of Miami Township are provided a list of resources to which officers may refer persons when in the officers opinion such referral is in the best interest of justice and referral more adequately addresses the needs of the person being referred.

1.1.4 Consular Notification

It is the policy of the Miami Township Police Department to comply with all United States Government treaty obligations regarding the arrest and detention of foreign

nationals in Miami Township. The following information summarizes the basic requirements of consular notification. These are mutual obligations that also pertain to American citizens abroad. In general, a foreign national should be treated as you would want an American citizen to be treated in a similar situation in a foreign country. This means prompt, courteous notification to the foreign national of the possibility of consular assistance, and prompt, courteous notification to the foreign nationals nearest consular officials so that they can provide whatever consular services they deem appropriate.

- Foreign National - Any person who is not a United States citizen. The term foreign national and alien are used interchangeably. Resident aliens who have a resident alien registration card, commonly known as a green card, are considered foreign nationals for the purposes of consular notifications, as are undocumented or illegal aliens.
- Arrest - Any arrest, detention or other commitment to custody that results in a foreign national being incarcerated for more than a few hours triggers the consular notification requirements under this procedure. A brief traffic stop or an arrest which results in a citation and release at the scene for an infraction or misdemeanor would not require that consular notification is provided.
- Consular Official/Diplomat - A citizen of a foreign country employed by a foreign government and authorized to provide assistance on behalf of that government to that government's citizens in a foreign country. Diplomats are officials of a foreign government assigned to an embassy in Washington, D.C. Diplomats may also perform consular functions and should be treated as a consular officer.

Diplomatic and Consular Immunities from Arrest

International law requires that law enforcement authorities of the United States extend certain privileges and immunities to members of foreign diplomatic missions and consular posts. The purpose of these privileges and immunities is not to benefit individuals but to ensure the efficient and effective performance of their official missions on behalf of their governments. Most of these privileges and immunities are not absolute and law enforcement officers retain their fundamental responsibility to protect and police the orderly conduct of persons in the United States. The State Department booklet, *Diplomatic and Consular Immunity: Guidance for Law Enforcement and Judicial Authorities* clarifies the many issues of diplomatic immunity as it pertains to enforcing the law. The publication offers a guide to the categories of foreign mission personnel and the privileges and immunities to which each is entitled. It explains how to identify and verify the identity of such persons and furnishes guidance to assist law enforcement officers in handling incidents involving foreign diplomatic and consular personnel. This publication is located in the patrol room, in the Consular Notification and Immunity binder.

Consular Notification Process

Whenever a foreign national is arrested or detained in the United States, there are legal requirements to ensure that the foreign nationals' government can offer him/her appropriate consular assistance. Whenever a foreign national is taken into custody, the detaining officer shall determine whether consular notification is at the option of the foreign national or whether it is mandatory. In all cases, the arresting officer shall, without delay, inform the foreign national of the right of consular notification and access.

Basic Rule Notification (Optional Notification)

If the detained foreign national is a citizen of a country not on the Mandatory Notification Countries and Jurisdiction Listing, the requirement is that the foreign national be informed without delay of the option to have his/her government's consular representatives notified of the detention. The notification to the detainee and his acceptance or refusal of consular notification shall be documented on the offense report.

Without Delay

Without Delay, as contained in the Vienna Convention on Consular Relations, generally is understood to mean that there should be no deliberate delay and that notification should occur as soon as reasonably possible under the circumstances.

Mandatory Notification

Arrests or detentions of foreign nationals from specific countries require notification to the consulate of the foreign national regardless of whether the foreign national desires that notification is made. These countries are listed in the Consular Notification and Access binder located in the patrol room and on the Consular Notification and Access Reference Card issued to all officers.

If mandatory notification is required, inform the foreign national of the mandatory notification and document that notification on the offense report.

Privacy concerns or the possibility that a foreign national may have a legitimate fear of persecution or other mistreatment by his/her government may exist in some mandatory notification cases. The notification requirement should still be honored, but it is possible to take precautions regarding the information about why a foreign national is in detention. Should a detainee express a concern over disclosure, contact the State Department for guidance. Contact information is maintained in the Consular Notification and Access Binder and on the Consular Notification and Access Reference Card.

Documentation and Record Keeping

Fax sheets for notifying consular officials of arrests or detentions shall be maintained in the Consular Notification and Access binder located in the patrol room. Upon completion

and faxing of the document, the officer shall place the document and fax receipt with the offense report to be forwarded to records. If the detainee is taken to the Clermont County Sheriff's Office holding facility, a copy of the document shall be taken with the detainee to be given to the holding facility personnel accepting the detainee.

Death or Serious Injury of a Foreign National

When a Miami Township Officer becomes aware of the death or a life threatening injury of a foreign national in Miami Township, the Officer shall report it to the appropriate Consulate office utilizing the appropriate fax sheet maintained in the Consular Notification and Access binder. The faxed notification and receipt shall be maintained with the incident report.