

DIRECTIVE 1.2 LIMITS OF AUTHORITY

Issue Date: 09/03/2020	By Order of Chief of Police
Rescinds: (Issue 04/23/2020)	CALEA Standards Referenced: 1.2.1; 1.2.2; 1.2.3; 1.2.4; 1.2.5; 1.2.6; 1.2.7; 1.2.8; 1.2.9 & 1.2.10
Pages: 17	

This directive consists of the following sections:

- 1.2.1 Legal Authority Defined**
- 1.2.2 Legal Authority to Carry and Use Weapons**
- 1.2.3 Compliance with Constitutional Requirements**
- 1.2.4 Search and Seizure**
- 1.2.5 Arrests With / Without Warrant**
- 1.2.6 Alternatives to Arrest**
- 1.2.7 Use of Discretion**
- 1.2.8 Strip / Body Cavity Search**
- 1.2.9 Biased Policing**
- 1.2.10 Duty to Intervene**

POLICY AND PROCEDURE:

1.2.1 Legal Authority Defined

The Federal Constitution, Ohio Constitution and Ohio Revised Code define the scope and limits of law enforcement authority as it pertains to the enforcement of laws, statues and resolutions.

Ohio Revised Code section 505.48 allows the Trustees of any Township to "create a Township Police district comprised of all or portion of the unincorporated territory of the Township".

Ohio Revised Code section 505.49 (F) states, "members of the Police force of a Township Police district... shall serve as peace Officers for the Township territory included in the district".

Ohio Revised Code section 2935.01 (B) defines "Peace Officer" as including a "Police Officer of a Township or joint Township Police district".

Ohio Revised Code section 2935.03 (A) grants power to Police Officers of Township Police districts to arrest people within their jurisdiction violating laws of the State of Ohio or Resolutions of the Township.

O.R.C. 4513.39 (A) exclusively gives to state highway patrol officers, sheriffs, and sheriff's deputies "the power to make arrests for violations on all state highways, of sections 4503.11, 4503.21, 4511.14 to 4511.16, 4511.20 to 4511.23, 4511.26 to 4511.40, 4511.42 to 4511.48, 4511.58, 4511.59, 4511.62 to 4511.71, 4513.03 to 4513.13, 4513.15 to 4513.22, 4513.24 to 4513.34, 4549.01, 4549.08 to 4549.12, and 4549.62 of the Revised Code." There is an exception to the aforementioned limit on jurisdiction. Under O.R.C. 4513.39 (B)(2), if the township population is greater than fifty thousand, then the township police agency has jurisdiction to make arrests and issue traffic citations for the offenses enumerated under O.R.C. 4513.39(A).

For many years, "the power to make arrests" language under this code section was construed to not include the issuance of traffic citations commanding the traffic violator to appear in court. (See OAG 70-063) However, this interpretation of 4513.39 was struck down by the Ohio Supreme Court in *State v. Holbert*. *State v. Holbert*, 38 Ohio St.2d 113 (1974). In *Holbert*, the Ohio Supreme Court held that township officers cannot stop suspected traffic violators on state highways for the enumerated offenses in 4513.39. In so holding, the Court noted that legislators intended the word "arrest" in 4513.39 to include the right to stop and ticket motorists.

Several cases subsequent to *Holbert* have addressed the problems presented by this interpretation of 4513.39. It is clear from these cases that citations for an OVI do not fall within 4513.39 and township officers may make arrests on state highways for OVI offenses. See e.g. *State v. Davis*, 1981WL 5139 (1981). Additionally, courts have found arrests or citations made by township officers who were in "hot pursuit" permissible even if the offense is one enumerated in 4513.39 and the stop occurs on a state highway. See e.g. *State v. Annis*, 2002 -Ohio- 5866 (2002). While this "hot pursuit" exception gives township officers some leeway to make stops on state highways for enumerated offenses, there are a few important elements that must be present in order for the stop to be lawful under the "hot pursuit" exception.

The "hot pursuit" exception is contained within O.R.C. 2935.03(D). Under this section, in order to be in "hot pursuit," three elements must be satisfied: (1) the township officer must conduct the pursuit without unreasonable delay after the offense is committed; (2) the pursuit must be initiated within the limits of the jurisdiction of the officer; and (3) the offense involved must be: (A) a felony, (B) a misdemeanor of the first or second degree, or (C) "any offense for which points are chargeable pursuant to section 4510.036 of the Revised Code." In the case of traffic stops, the officer's pursuit will almost always be without unreasonable delay and section 4510.036 contains a large number of traffic offenses, including many of the offenses enumerated in 4513.39. The issue, then, becomes the second prong that requires the pursuit to start within the territorial jurisdiction of the pursuing officer. Because 4513.39 give exclusive jurisdiction over state highways to the state patrol and sheriff's office for the enumerated offenses,

township officers are not within their territorial jurisdictions when the pursuit for an enumerated offense in 4513.39 begins on a state highway.

O.R.C. 4513.39 only applies to citations for violations of the O.R.C.. The Ohio Supreme Court in Village of Struthers v. Sokol (1923), 108 Ohio St. 263, 140 N.E.2d 519 held that the Ohio Constitution provides municipalities of the state with police power directly conferred by the people in all matters of local self-government. In State v. Parker, (1994), 68 Ohio St3d 283-284, the Ohio Supreme Court once again stated that the Ohio Constitution grants authority to municipalities to regulate traffic within their respective territories. As such, an officer from a municipality may issue traffic citations for municipal ordinance violations.

In conclusion, section 4513.39 denies jurisdiction to township officers to make stops and issue citations for any enumerated offenses that occur on interstate highways unless the township's population exceeds fifty thousand. The "hot pursuit" exception allows township officers to stop or arrest motorists on interstate highways for some enumerated offenses, but only if all three elements of the "hot pursuit" exception are satisfied. The last census indicates Union Township, Miami Township, and Milford each have less than fifty thousand people. As such, their officers do not have jurisdiction to issue citations or arrest motorists for violations listed under O.R.C. 4513.39.

1.2.2 Legal Authority to Carry / Use Weapons

Police Officers of the Miami Township Police Department are authorized to carry weapons in the course of their official duties as described in the following Ohio Revised Code sections: 109.71; 109.743; 109.75; 109.801; 2923.12; 2923.121; 2923.122; 2923.126(D); 2923.16; 2923.161 and 2923.17.

Officers on duty will carry the department issued weapons. Officers who are in an on - duty status may also carry a department approved secondary firearm.

Officers off duty may carry their department issued firearm or their approved secondary firearm as long as doing so does not conflict with any department directive or order or violates any federal, state, local law, ordinance or resolution. Officers while carrying a weapon off duty must have on their person or at hand, proper identification, including department issued badge and identification card.

No officer shall carry any firearm while under the influence of alcohol and/or drug that would impair the officer's performance.

Only those weapons and ammunition that meet the police department's authorized specifications as approved by the Chief of Police will be used by Officers. [Reference - Directive 4.3.1]

1.2.3 Compliance with Constitutional Requirements

It shall be the duty of every officer to ensure that all Constitutional requirements are met during criminal investigations and arrests. Officers will ensure that the Constitutional rights of all persons are not violated.

Interviews

An interview is a non-accusatory conversation in which a police interviewer utilizes questions and answers in an attempt to develop investigative and behavioral information that will test the veracity of statements made by a suspect, victim or witness. Interviews may occur in a variety of circumstances and locations. Although interviews are non-accusatory conversations, officers engaged in interviews shall be aware of the nature of questions, the location of the interview and the conditions present when conducting interviews to ensure that the subject has no reason to believe that they are in custody.

Field Interviews

Field interviews are conducted to:

- Record the identification and actions of subjects;
- Prevention and suppression of criminal activity;
- Providing centralized records of such Field Interview contacts.

The identity and activities of persons shall be noted and recorded via computer entry on a Field Interview Report by officers when such persons conduct, appearance, situation or any other factor or combination of factors indicate to the officer that such recording of information is in the interest of justice and the furtherance of the mission of the department.

Officers must be cognizant of the limitations associated with the field interview. An officer may not stop a person for the sole purpose of completing a field interview report. The following are factors that should be taken into account when establishing reasonable cause for the detaining of a person for the purpose of conducting a field interview:

- Rational suspicion by the officer that some activity out of the ordinary is occurring or has taken place;
- Some indication should exist to connect the person under suspicion with the unusual activity;
- There should be some suggestion that the activity may be related to a crime.

Interrogations

An interrogation is an accusatory procedure designed to elicit acknowledgement from a person that they were involved in a specific activity. The activity is normally criminal in nature, but an interrogation also involves an acknowledgement regarding omissions,

truthfulness or prior statements and/or knowledge of another person's conduct. Sworn members of the Miami Township Police Department may question suspects regarding criminal activity. Whether the questioning is a custodial or non-custodial interrogation will be determined by the circumstances.

Prior to interrogation of a suspect, whenever the suspect is in custody of otherwise deprived of his freedom; an officer must first advise the suspect of their constitutional rights (Miranda Warning). If an officer is in doubt about the custodial status of a person being interviewed, the person being interviewed should be advised of their constitutional rights.

A person who is entitled to be advised of their constitutional rights shall be informed:

- That they have a right to remain silent and that any statement made by them may be used in a court of law against them. That they have the right to stop making a statement at any time.
- That they have a right to an attorney and if they cannot afford an attorney the courts will appoint an attorney to represent them.

All custodial interrogations of a suspect for aggravated murder, murder, voluntary manslaughter, first or second degree involuntary manslaughter or vehicular homicide, rape attempted rape or sexual battery that occur in a place of detention and are recorded are presumed voluntary. Therefore, when possible, officers should record interrogations. Both audio and audiovisual recordings are acceptable.

Senate Bill 77 uses a definition of custodial interrogation that is functionally equivalent to “custody” for Miranda purposes.

Places of detention include a jail, police or sheriff’s station, holding cell, state correctional institution, local correctional facility, detention facility or Department of Youth Services facility. A law enforcement vehicle is not a place of detention for the purpose of SB 77.

[Access to Counsel](#)

A person being questioned under Miranda must clearly understand their rights. When a person who is being questioned under Miranda clearly expresses their desire to be represented by an attorney, the officer shall stop the questioning/interrogation and take appropriate steps to comply with the persons request for legal representation.

Miranda warnings are not necessary:

- Before questioning a person who was merely a witness to a crime or who may know something about a crime but is not a suspect.
- Before questioning a motorist stopped for a routine traffic offense.

- Before asking questions reasonably motivated by concern for public safety.
- Without express questioning or its functional equivalent, there is no interrogation within the meaning of Miranda, even though the suspect may be in custody.

All questioning of person will be without coercion, threat or pressure of any kind implied or direct by any officer of the Department.

1.2.4 Search and Seizure

The following guidelines are to be used by officers when conducting a search and/or seizure without a warrant. While no policy can be wholly inclusive of the laws governing warrantless search and seizure, officers when in doubt should seek the advice of their supervisor.

Search with Consent

A law enforcement officer may search anyplace, anything or any person with the consent of the person, owner, occupant or person authorized to give consent. Officers should have consent to search form completed and signed by the person giving consent. If the consent is obtained verbally, the officer should tape record the person when giving the consent.

Stop and Frisk

A law enforcement officer may stop and frisk any person so long as the officer can articulate reasons to fear for his safety or the safety of others, this includes areas that are within the immediate reach of the person.

Vehicle Search

A law enforcement officer may search a vehicle without a search warrant or consent if the officer has probable cause sufficient to justify a search warrant, or if the vehicle can be moved before a search warrant can be obtained. Absent consent to search, an officer must obtain a search warrant for a vehicle that has been impounded if evidence cannot be destroyed before a search warrant can be obtained.

Crime Scenes

A law enforcement officer may search the area of the crime scene if any of the following apply:

- Consent if given;
- The victim is the owner of the area to be searched and is deceased;
- If the evidence to be searched can be destroyed before the officer can obtain a search warrant.

Exigent Circumstances

A search warrant is not necessary if there is an immediate danger to the public.

Inventory Search

Any property that is seized by the Miami Township Police Department will be inventoried, including containers or spaces found within seized property, upon seizure and prior to being entered into custodial storage.

Incidental to Arrest

Searches incidental to arrest are permitted by the U.S. Supreme Court to protect the officer, prevent escape and to avoid the destruction of evidence by the arrestee. Searches incidental to arrest are allowed in any situation, but are governed by the following rules.

- Must be a lawful arrest.
- Officers may only search for weapons and evidence, but may confiscate contraband and use it in court.
- The search must be made at the time of arrest.
- The arrest must be in good faith.
- Officer may only search the area within the arrestee's reach or lunge, but not locked areas.

Plain View

If officers are in a place where they have a legal right to be and observe contraband, instruments, fruits or evidence of a crime, they may seize those items as evidence.

- The items seized must be immediately apparent as contraband or evidence of a crime. If the item must be moved or examined more closely, the plain view doctrine does not apply.
- Except in cases of exigent circumstances and motor vehicles, a plain view observation of contraband or evidence does not justify a warrantless search of constitutionally protected areas.

Other Situations

Officers may enter buildings without a search warrant to affect an arrest under the following circumstances:

- During a pursuit (either on foot or by vehicle), which takes place without reasonable delay after the offense is committed. (ORC 2935.03(D)(1).
- If the officer is in possession of an arrest warrant and the suspect is in the building. (ORC 2935.12).

1.2.5 Arrests With / Without A Warrant

A Miami Township Police Officer within the jurisdictional boundaries of Miami Township, consistent with Ohio Revised Code 2935.05 may:

- **Without a Warrant** or until a warrant can be obtained, arrest and detain a person whom the officer has reasonable grounds to believe has committed an offense of the State of Ohio or Township Resolution.
- **With a Warrant** - arrest and detain any individual for whom they have an arrest warrant. The officer must ensure that the person who is to be arrested is the person named in the arrest warrant.

A Miami Township Police Officer may pursue outside the jurisdictional boundaries of Miami Township and:

- **Without a Warrant** - arrest and detain a person whom the officer has reasonable grounds to believe has committed an offense within the jurisdictional limits of Miami Township when:
 - The officer witnesses the offense or the pursuit of the offender takes place without unreasonable delay after the offense is committed, and the pursuit is initiated within the limits of Miami Township, and the offense involved is a felony, a misdemeanor of the first or second degree, or any offense for which points are chargeable pursuant to section 4510.036 of the ORC.
 - Should an officer effect an arrest without a warrant outside the jurisdictional boundaries of Clermont County within the State of Ohio, the Officer must comply with Rule 4 of the Ohio Rules of Criminal Procedure.
- **With a Warrant** - arrest and detain any individual for whom they have an arrest warrant. The officer must ensure that the person who is to be arrested is the person named in the arrest warrant.
 - Should an officer affect an arrest with a warrant outside the jurisdictional boundaries of Clermont County within the State of Ohio; the Officer must comply with Rule 4 of the Ohio Rules of Criminal Procedure.

When there is reasonable ground to believe that a violation of 4506.15 or 4511.19 of the Revised Code has been committed by a person operating a motor vehicle subject to regulation by the public utilities commission of Ohio; under Title XLIX (49) of the Revised Code, a peace officer with authority to enforce that provision of law may stop or detain the person whom he had reasonable cause to believe was operating the motor vehicle in violation of the division and, after investigation the circumstances surrounding the operation of the vehicle, may arrest and detain the person.

A member of the police force of a township police district created under section 505.48 of the Revised Code, a member of the police force of a joint township police district created under section 505.481 [505.481.1] of the Revised Code, and a township constable appointed in accordance with section 509.01 of the Revised Code, who has received a certificate from the Ohio peace officer training council under section 109.75 of the Revised Code may arrest and detain, until a warrant can be obtained, any person found violating any section or chapter of the Revised Code, listed in division (E)(1) of this section, other than sections 4513.33 and 4513.34 of the Revised Code, on the portion of any street or highway that is located immediately adjacent to the boundaries of the township police district or joint township police district, in the case of a member of a township district or joint township police district police force, or the unincorporated territory of the township, in the case of a township constable. However, if the population of the township that created the township police district served by the member's police force, or the townships that created the joint township police district served by the member's police force, or the township that is served by the township constable, is fifty thousand or less, the member of the township police district or joint police district police force or the township constable may not make an arrest under this division on a state highway that is included as part of the interstate system.

If a person is arrested without a warrant, the person arrested must be informed of the officer's authority to make the arrest and the cause of the arrest, unless the person arrested is engaged in the commission of the offense at the time of arrest.

The arresting officer will without unnecessary delay, take the person arrested before a court or magistrate having jurisdiction of the offense, and shall file or cause to be filed an affidavit describing the offense for which the person was arrested.

If the person arrested is incarcerated, the affidavit must be filed and served upon the person arrested within forty-eight hours of the arrest.

See Directive 1.1 Section 1.1.4 and 61.1 Section 61.1.3 for procedures for handling persons asserting diplomatic or other immunities from arrest.

Arrest Records

An officer will complete a report and arrest record on each person the officer arrests for a criminal offense, verifying with the person arrested their current personal information (address, employment information, etc).

Identification Fingerprints and Photographs

Any prisoner processed by the Miami Township Police Department will be fingerprinted and photographed for felonies and offenses listed in ORC 109.572. This may be accomplished by Clermont County Sheriff's staff on arrival at their facility or by the Clerk of Courts when the person appears for court in accordance with ORC 109.60.

Fingerprinting and photographing of juveniles will be done only in accordance with ORC 2151.313 & 109.572.

1.2.6 Alternatives to Arrest

The power of arrest granted to police officers is one of the alternatives available to them under circumstances that require some form of police action. Additional alternatives that are effective and still allow an officer an alternative to arrest and/or pre-arraignment confinement are issuing a summons in lieu of arrest; summons after arrest without warrant; permitting an O.R. Bond; minor misdemeanor citation and traffic citation.

Summons in Lieu of Arrest Without Warrant and Complaint on Such Summons

Criminal Rule 4(A)(3) of the Ohio Criminal Rules of Procedure states: "In misdemeanor cases where a law enforcement officer is empowered to arrest without a warrant, the officer may issue a summons in lieu of making an arrest, when issuance of a summons appears reasonably calculated to assure the defendant's appearance. The officer issuing such summons shall file, or cause to be filed, a complaint describing the offense. The court shall not issue a warrant unless the defendant fails to appear in response to the summons, or unless subsequent to the issuance of summons it appears improbable that the defendant will appear in response thereto."

Summons After Arrest Without Warrant and Complaint on Such Summons

Criminal Rule 4(F) states that in misdemeanor cases where a person has been arrested with or without a warrant, the arresting officer or their supervisor, without unnecessary delay, may release the arrested person by issuing a summons when issuance of a summons appears reasonable to assure the person's appearance. The officer issuing such summons shall note on the summons the time and place the person must appear and, if the person was arrested without a warrant, shall or cause to be filed a complaint describing the offense. No warrant or alias warrant shall be issued unless the person fails to appear in response to the summons.

Own Recognizance Bond

Upon the arrest of a misdemeanor violator, unless a Judge has filed an exception, an officer has the option, with supervisory approval, of releasing the violator on their personal recognizance if it has been reasonably calculated the violator will appear at the criminal proceedings. Consideration should be given to the violator's employment, character and mental conditions, length of residence in the community, record of convictions and record of appearance court proceedings.

Minor Misdemeanor Citation

Criminal Rule 4.1 permits a law enforcement officer in minor misdemeanor cases to issue a citation. A law enforcement officer who issues a citation shall complete and sign the citation form, serve a copy of the completed form upon the defendant and without unnecessary delay, swear to and file the original with the court.

Uniform Traffic Citation

Ohio Traffic Rule 3 states, "A law enforcement officer who issues a ticket shall complete and sign the ticket, serve a copy of the completed ticket upon the defendant and, without unnecessary delay, file the court copy with the court".

In Lieu of Formal Action

In lieu of formal action, an officer may exercise discretion and choose informal action to solve the problem, such as referral, informal resolution, and warning. The officer must be able to articulate reasonable fact(s) that lead the officer to take informal action to resolve a problem.

- Referrals - The officer shall offer referrals to other agencies and organizations when, in the officer's discretionary judgment, it is the most reasonable alternative for the offender and the violation.
- Informal Resolution - An officer, at their discretion, may offer informal resolutions to situations and conflicts when in the officer's judgment they can be adequately resolved by use of a verbal warning, informing the proper agency or organization, advising parents of a juvenile's activity, etc.
- Written Warning - A written warning may be issued by an officer when, in the officer's discretionary judgment, it is the most reasonable alternative for the offender and the violation.

Release Without Charges

If a person is arrested on probable cause and further investigation by the arresting officer determines that sufficient probable cause no longer exists; a supervisor will be immediately notified. Once determined, the suspect must be released. It is imperative that in these situations a detailed report of arrest is completed outlining the events that led to the probable cause for the arrest.

1.2.7 Use of Discretion

Discretionary power is the power of free decision or latitude of choice within certain legal bounds. When this power is poorly exercised, discretionary power may be viewed by the public as favoritism, bias or corruption.

Therefore, it is imperative that when exercising discretionary power, officers take into consideration the mission, goals and objectives of the Department, the best interest of the public that is served, and any mitigating circumstances.

The directives, policies, procedures, rules and regulations of this department shall guide officer's discretionary prerogative. The officer's discretion may be limited due to restrictions or circumstances and the directives contained within will address those circumstances and their alternatives. [Reference Directive 61.1 regarding use of discretion in traffic enforcement.]

Each officer will be held accountable both internally and externally for their use or misuse of discretion.

1.2.8 Strip / Body Cavity Search

Except as authorized by ORC 2933.32, Section B., no law enforcement officer, other employee of a law enforcement agency, physician or registered nurse or licensed practical nurse shall conduct or cause to be conducted a body cavity search or a strip search. O.R.C. section 2933.32 provides that a body cavity or strip search can be performed on an arrested individual whenever the arresting or transporting officer has reason to believe that the prisoner is concealing evidence of the commission of a criminal offense, the fruits or tools of a crime, contraband or a deadly weapon, as defined by ORC 2923.11, that could not otherwise be discovered. Unless there is a legitimate medical reason or medical emergency justifying a warrantless search, a body cavity search shall be conducted only after a search warrant is issued that authorizes the search. Additionally, the Chief of Police or the person specifically designated by the Chief of Police must give a written authorization for either type of search. In those rare cases where a strip search is authorized, the following procedures shall be followed.

- A body cavity search or strip search shall be conducted by a person or persons who are of the same gender as the person who is being searched. In cases involving trans-gender, gender-variant or non-binary individuals, the gender preference is requested by the individual to be searched. The search shall be conducted in a manner and in a location that permits only the person or persons who are physically conducting the search and person who is being searched to observe the search. ORC 2933.32B6. In cases involving juveniles, the same procedures apply.
- Upon completion of the search, a detailed supplemental report to the arrest record will be completed per the requirements of ORC 2933.32C and include a detailed record of all unusual findings, (cuts, bruises, body vermin, needle scars and other injuries.)
- A body cavity search shall be conducted under sanitary conditions and only by a physician, or a registered nurse or licensed practical nurse who is registered or licensed to practice in this state. ORC 2933.32B4

1.2.9 Biased Policing

Miami Township Police Department is committed to policing in an unbiased manner for all its encounters between police officers and citizens; thus, maintaining public confidence and trust through the provision of services in a fair and equitable fashion.

The Miami Township Police Department strives to treat everyone with respect and dignity and to recognize and appreciate the diversity among the citizens of our community. This diversity helps make our Township the interesting and culturally rich place that it is. It is the policy of the Miami Township Police Department not to condone

or tolerate any bias-based policing or discriminatory actions, to investigate complaints of illegal practices and to train officers in the recognition and prevention of bias-based policing or discrimination.

- Bias-Based Policing is the differential treatment of individuals in the context of rendering police service based solely on a suspect classification, such as race, ethnic background, gender, gender identity, sexual orientation, religion, economic status, age or cultural background. Bias-based policing may also be defined as a police action based solely on an assumption or belief that any of the aforementioned classifications have a tendency to participate or engage in criminal behavior. Use of the aforementioned classifications to identify a specific suspect for questioning or apprehension shall not constitute bias-based policing.
- Discrimination is the unequal or disparate treatment of an individual based upon the person's race, ethnic background, gender, gender identity, sexual orientation, religion, economic status, age or cultural background.
- Disparate is the differential treatment of an individual.
- Stop - The restraint of an individual's liberty by physical force or a show of authority.
- Detention - The act of stopping or restraining an individual's freedom to walk away, approaching and questioning an individual outside of a consensual encounter, or stopping an individual suspected of being involved in criminal activity.
- Search - The act of looking for or seeking out that, which is otherwise, concealed from view.

Bias-Based Policing Prohibition

Bias-based policing of individuals for investigatory stops or warrantless arrests is strictly prohibited.

In the absence of a specific report indicating race as an identifying characteristic, the race or ethnicity of an individual shall not be a factor in:

- Determining the existence of probable cause to place in custody or arrest an individual.
- In constituting a reasonable and articulate suspicion that an offense has been or is being committed so as to justify the detention of an individual.
- The investigatory stop of a motor vehicle.

In response to a specific credible report of criminal activity, the race or ethnicity of an individual shall not be the sole factor in determining the existence of probable cause to place in custody or arrest an individual.

Stops, detention, asset seizure and/or forfeiture based solely on race, age, gender, or sexual orientation or any other prejudicial basis by any employee is prohibited.

The detention of any individual that is not based on factors related to a violation of or investigation of a violation of Federal law, Ohio State statutes, Township resolutions, or any combination thereof is prohibited.

Employees should respond to requests for service and/or information based on the merits of the request and applicable departmental procedures and should not render a higher or lower level of service based on race, ethnic background, gender, gender identity, sexual orientation, religion, economic status, age or cultural background.

No officer shall stop, detain, or search any person when such action is solely motivated by race, ethnic background, gender, gender identity, sexual orientation, religion, economic status, age or cultural background.

Training

All police department sworn personnel will receive initial and annual training about the harms of and legal aspects of bias-based policing and discrimination, including the review of this policy. This training will be intended to supplement the initial cultural diversity and awareness training officers receive in their basic recruit training.

In concert with appropriate disciplinary action, additional diversity and sensitivity training shall be designated for employees with sustained biased-based policing or other sustained discrimination complaints filed against them.

Authority, Responsibility & Corrective Action

Each supervisor will be responsible for continually monitoring and examining all areas of police actions and activities under their purview to ensure the dictates of this directive are being followed and to discover any indications of bias-based policing or discriminatory practices.

Any employee who believes there is or is made aware of any violation of this policy will immediately contact his/her supervisor.

All reports or complaints of discriminatory practices or bias-based policing will be documented and investigated in accordance with the provisions of Directive 26.1.

Consistent with the provisions of Directive 26.1, the appropriate sanctions will be implemented for noncompliance of this policy.

In addition to required remedial training, officers who have sustained bias-based policing or sustained discrimination complaints filed against them may also be re-assigned.

Failure to report any observed or known violations of this policy by any police department employee will result in disciplinary action.

Collection of Data

The department shall collect data on all self-initiated traffic contacts to include, at a minimum, the race and gender of the driver of the vehicle stopped.

Annual Review

The Chief of Police or his/her designee will complete an annual administrative review of agency practices including citizen concerns, if any. The annual review will include but not be limited to:

- Data collected;
- Listing each complaint;
- Explaining any actions taken;
- Recommending training needs;
- Recommending policy changes.

Permissible Police Action

Nothing in this policy shall prohibit profiling of subjects, vehicles or containers based upon a combination of characteristics and identifiers, where any resulting profile is not based solely on race, ethnic background, gender, gender identity, sexual orientation, religion, economic status, age or cultural background.

1.2.10 Duty to Intervene

It is the purpose of this policy to explain the legal and moral obligation of Miami Township Police Department members known as the Duty to Intervene. The Department is committed to protecting its members who act on their duty to intervene, to prevent or minimize misconduct, by another member.

DEFINITIONS:

Intervene – to come between, whether verbally or physically, so as to prevent or alter a result or course of events

Duty to Intervene

All members must recognize and act upon the duty to intervene to prevent or stop any member from conducting any act that is unethical, or violates law or policy (e.g.,

excessive force, theft, fraud, inappropriate language, sexual misconduct, harassment, falsifying documents, inappropriate behavior, etc.). Intervention may be verbal and/or physical. Failure to intervene may subject a member to disciplinary action up to termination.

All members benefit when potential misconduct is not perpetrated or when a potential mistake is not made. Preventing misconduct preserves job security and integrity of all members, ultimately protecting members from destroying their careers as a result of misconduct or, in some instances, as a result of a failure to intervene to prevent misconduct by others.

Members Responsibilities

If aid is required by any individual, ensure that medical attention has been rendered. Take a preventive approach, whenever possible, if observing behavior that suggests that another member is about to conduct unethical or inappropriate behavior.

- Examine the circumstances surrounding the incident to determine the appropriate form of intervention.
- Intervene verbally or physically, depending on the circumstances.

Take an active approach to intervene to stop any unethical behavior or misconduct when such conduct is being committed by another member.

- If verbal interventions are not sufficient to stop the act, come between the offending member and the other individual involved.

Immediately notify a supervisor after conducting any type of intervention, when safe to do so. When a physical intervention was performed, document the incident.

Supervisor Responsibilities

Once learning of an incident involving a member intervening with another member, separate all members involved in the incident. Conduct a preliminary investigation to gather any pertinent information that would coincide with the reason for the intervention (e.g., witnesses, BWC footage, videos, area canvass, etc.). Ensure all parties involved in the incident complete the appropriate documentation detailing the circumstances that led to the intervention and what, if anything, occurred once the member intervened. Determine whether the actions leading to the intervention constitute misconduct, unethical behavior, or protentional crime conduct.

Chief Responsibilities

Review reports of member interventions received by the supervisor. Ensure preliminary investigation and findings have been documented fully. Make a recommendation that the

incident be closed, or referred to one of the following for follow-up investigation, training, and/or discipline, as appropriate:

- Internal Investigation/Affairs
- Training Section