

DIRECTIVE 12.1 DIRECTION

Issue Date: 04/06/2020	By Order of Chief of Police
Rescinds: (Issue 06/07/2019)	CALEA Standards
Pages: 4	Referenced: 12.1.1; 12.1.2; 12.1.3 & 12.1.4

This directive consists of the following sections:

- [**12.1.1 CEO Authority and Responsibility**](#)
- [**12.1.2 Command Protocol**](#)
- [**12.1.3 Obey Lawful Orders**](#)
- [**12.1.4 Functional Communication / Cooperation**](#)

POLICY & PROCEDURE

It is the policy of the Miami Township Police Department to provide clear written guidelines to all department personnel regarding the recognition, authority and responsibility of the Chief Executive Officer of the Miami Township Police Department and to establish supervisory accountability and designate the chain of command during the absence of the Chief.

This directive provides guidelines for the obedience to orders and resolution of conflicting orders or instructions and establishes procedures for communication, coordination and cooperation among all agency functions and personnel.

12.1.1 CEO Authority and Responsibility

The Chief of Police is the Chief Executive Officer of the Police Department of Miami Township, Clermont County, Ohio. The Chief of Police is responsible for the protection of lives and property within Miami Township through the effective utilization of police functions. The Chief of Police is responsible for the organizing, controlling and directing of personnel and resources of the police department.

The Chief of Police is an unclassified position and serves in accordance with the provisions of the State of Ohio, functioning in accordance with general policy established by the Board of Trustees of Miami Township. The Chief of Police has considerable latitude in the exercise of independent judgment and discretion in the management and operation of the police department.

12.1.2 Command Protocol

DEFINITION:

Patrol Supervisor – An officer holding the rank of Sergeant or Corporal. On some rare occasions, an officer who is assuming the role of duty-officer when a Sergeant or Corporal are not working.

Absence of the Chief Executive Officer

If the Chief of Police is incapacitated, off duty, out of town or otherwise unable to act, the descending order of command will be as follows unless specifically designated otherwise in writing.

- Patrol Lieutenant
- Investigations Lieutenant
- Support Services Lieutenant

Should the personnel above be unavailable to take command of the department, command of the department shall fall upon the first Sergeant available in descending order of seniority beginning with the most senior sergeant.

Exceptional Situations

In the event of an exceptional situation or emergency and if the Chief of Police cannot be notified, command of the department shall rest with the highest-ranking officer available.

Personnel of Different Functions in Single Operation

The patrol supervisor is always in charge of road patrol operations, unless properly relieved of command by the Patrol Lieutenant. If a non-planned operation is in a specialty area such as investigations, fatal or serious traffic crash, narcotics or vice operations, the patrol supervisor shall relinquish control of police resources to a Supervisor charged with that function. This Supervisor may then assume command of all personnel assigned specifically to that operation.

Pre-planned special events and operations shall have the Supervisor of the event/operation designated in the Special Event Plan, which shall be distributed to all affected personnel.

Any dispute in command authority for a function or situation shall be resolved in favor of the Supervisor charged with that function and may later be reviewed by the Chief of Police.

Normal Day-to-Day Operations

In the normal day-to-day operations of the department, the chain of command, as established by the organizational structure and directives of the department, shall be followed by all officers.

A Corporal for each squad is designated by the Patrol Division Supervisor to supervise the shift in the absence of the regularly assigned shift Sergeant. Said designation may be made or rescinded at any time without notice. The Corporal performs all duties usually assigned to the shift Patrol Sergeant, excluding the preparation and conducting of performance evaluations for other employees. The Corporal may be directed by the Patrol Division Supervisor to prepare employee evaluations during a long absence of a shift Patrol Sergeant.

12.1.3 Obey Lawful Orders

Lawful Orders

Employees of the Miami Township Police Department shall promptly obey any lawful order issued to them from a superior officer, including any order relayed from a supervisor by an employee of the same or lesser rank.

Conflicting Orders

Employees of the Miami Township Police Department who receive a lawful order that conflicts with a previous order or instruction, will respectfully inform the officer who issued the second order of the conflict.

If the conflicting order is not altered or redacted, then the last issued order will stand. Responsibility for countermanding the original order shall be upon the officer who issued the conflicting (second) order. Employees that must obey the conflicting order will not be held responsible for disobedience to the original order or instruction.

In the event neither issuing officer can be readily advised of the conflict, the employee will carry out the most recent order. The employee will inform a supervisor as soon after the event as possible of the conflicting order.

Unlawful Orders

No supervisor or officer shall knowingly issue an order, which is in violation of a law, resolution or departmental rule or regulation.

Obedience to Unlawful Orders -- Obedience to an unlawful order is not considered a defense for an unlawful action, therefore, no officer or employee is required to obey an order which is contrary to federal, state or municipal law. Responsibility for refusal to obey rests with the officer or employee. The officer shall be strictly required to justify the

action.

Obedience to Incorrect Orders -- Officers and employees who are given orders they feel to be unjust or contrary to rules and regulations, must first obey the order to the best of their ability, except when ordinary and prudent knowledge would indicate that the order would be detrimental to the department or the physical well-being of any person, and then proceed to appeal through the departmental complaint process as established in *Directive 26.2 Internal Investigations Organizational Integrity*.

12.1.4 Functional Communication & Cooperation

All department functions will encourage and support the exchange of information between functions to coordinate activities and to fulfill the stated mission of the department.

Informational exchange between department functions may be accomplished by the following means:

- Staff meetings;
- Employee-management meetings;
- Attendance of Detectives at roll call;
- Communication by formal and informal memos, emails;
- Dissemination of required reports.