

# DIRECTIVE 1.1

## LAW ENFORCEMENT AGENCY ROLE

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

**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.

## DIRECTIVE 1.2 LIMITS OF AUTHORITY

<b>Issue Date: 09/03/2020</b>	<b>By Order of Chief of Police</b>
<b>Rescinds: (Issue 04/23/2020)</b>	<b>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 &amp; 1.2.10</b>
<b>Pages: 17</b>	

**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

**DIRECTIVE 2.1**  
**AGENCY JURISDICTION AND MUTUAL AID**

<b>Issue Date: 04/23/2020</b>	<b>By Order of Chief of Police</b>
<b>Rescinds: (Issue 09/16/2015)</b>	<b>CALEA Standards</b>
<b>Pages: 4</b>	<b>Referenced: 2.1.1; 2.1.2; 2.1.3 &amp; 2.1.4</b>

**This directive consists of the following sections:**

- 2.1.1. Geographical Boundaries**
- 2.1.2 Concurrent Jurisdiction**
- 2.1.3 Written Agreements For Mutual Aid**
- 2.1.4 Requesting Assistance: Federal LE / National Guard**

**POLICY & PROCEDURE**

**2.1.1 Geographical Boundaries**

An accurate map depicting specific geographical and jurisdictional boundaries for Miami Township is on display in the patrol room of the police building. The map will be updated any time there is any change in the geographical or jurisdictional boundaries of Miami Township.

Any questions of jurisdictional boundaries should be addressed to the on-duty shift supervisor.

All sworn officers shall familiarize themselves with the geographical boundaries of Miami Township.

**2.1.2 Concurrent Jurisdiction**

*Authority of the Miami Township Police*

Within the Township jurisdictional limits, the Miami Township Police Department will enforce the resolutions of Miami Township and the laws of the State of Ohio. The police department will carry out all duties and responsibilities attributed to the police department by the Miami Township Board of Trustees and the Ohio Revised Code.

The Miami Township Police Department will enforce the traffic laws as denoted in the Ohio Revised Code and the traffic resolutions of Miami Township on all Township streets and county roadways within the Township limits. Traffic stops on State Highways are governed by ORC 4513.39. {MTPD Directive 1.2.1}

The Miami Township Police Department has exclusive jurisdiction and responsibility in matters concerning Miami Township Resolutions within the Township limits.

### *Concurrent Jurisdiction*

Other agencies having jurisdiction within Miami Township are the Clermont County Sheriff's Office, Ohio State Highway Patrol, Ohio Department of Natural Resources and Federal Enforcement Agencies.

- Ohio Revised Code section 311.07 grants the Clermont County Sheriff general law enforcement authority throughout the County, regardless of the presence of political subdivisions.
- Ohio Revised Code section 5503.02 grants the Ohio State Highway Patrol law enforcement authority on all state roads within the State.
- Ohio Revised Code section 1501.24 grants the Ohio Department of Natural Resources law enforcement authority on property controlled by the Ohio Department of Natural Resources.

Nothing prohibits officers of the Clermont County Sheriff's Office, Ohio State Highway Patrol or Department of Natural Resources from taking action in situations that occur in their presence within the Township limits.

Employees of this department will offer cooperation when situations arise where these agencies must exercise their authority within the geographical limits of Miami Township.

### *Interagency Cooperation*

Effective law enforcement is not a solitary effort but requires the cooperation and interaction of many agencies. The Miami Township Police Department supports this concept and will cooperate fully with other agencies in the discharge of these duties.

In any situation where a question arises concerning jurisdiction within Miami Township, the responding officer will attempt to resolve the matter. If this is not possible, the matter will be turned over to a supervisor for resolution. If no amicable solution can be reached, this department should handle the matter. A written report will be made outlining the situation and forwarded through the chain of command to the Chief of Police.

### **2.1.3 Written Agreements For Mutual Aid**

Miami Township has executed a Mutual Aid Assistance Contract with the county, townships, municipalities and other law enforcement agencies located in Clermont County who have signed the Mutual Aid Assistance Contract.

The Accreditation Manager will keep a copy of this agreement on file.

The Mutual Aid Assistance Contract provides all the necessary information to initiate mutual aid activities either on behalf of our department or at the request of an agency of the contract. The information addresses the following:

- The legal status of agencies and agency personnel responding to mutual aid requests;
- Procedures for vesting provider agency personnel with the legal authority to act within the receiver agency jurisdiction;
- Procedures for requesting mutual aid;
- Identity of persons authorized to request mutual aid;
- Identity of persons to whom outside personnel are to report;
- Procedures for maintaining radio communication with outside personnel;
- Expenditures, if any, which should be borne by the receiver agency to compensate for the use of the provider agencies resources.

The Mutual Aid Assistance Contract is a continuous agreement until the participating parties in accordance with the procedures set forth in the agreement terminate it. In the event of any revision to the contract, the Miami Township Law Director shall review the contract to ensure that it describes the current legal status of, as well as current information about the agencies that are a party to the agreement.

#### *Requesting Aid*

The shift supervisor is authorized to request assistance when in their opinion such assistance is necessary to maintain the safety and security of Miami Township. Assistance shall be obtained by contacting the Clermont County Communications Center and requesting additional assistance. The supervisor should be specific as to the amount and type of assistance needed.

#### *Providing Available Aid*

In the event the Miami Township Police Department is contacted by another police department requesting short-term mutual aid, the road patrol supervisor on duty will be immediately notified so the situation can be reviewed and a determination made as to the number of officers and what type of equipment will be sent to the requesting department.

The safety and security of Miami Township are the department's primary concern and only that manpower and equipment which can be sent without leaving the Township unprotected will be sent.

Should the mutual aid request require a lengthy or extensive commitment or if the road patrol supervisor feels a recall of personnel might be necessary or if township personnel are injured or equipment is damaged, the road patrol supervisor shall notify the Patrol Division Supervisor.

## **2.1.4 Requesting Assistance: Federal LE / National Guard**

### **Intrastate Mutual Aid Compact**

Miami Township is a participating political subdivision of Clermont County and the State of Ohio. The State of Ohio has entered into the intrastate mutual aid compact [ORC 5502.41] to complement existing mutual aid agreements. The purpose of this compact is to provide for mutual assistance or aid among participating political subdivisions for purposes of preparing for, responding to, and recovering from an incident, disaster, exercise, training activity, planned event, or emergency, that requires additional resources. The intrastate mutual aid compact may be initiated by a participating political subdivision by:

- Declaring a state emergency and issuing a request for assistance or aid from any other political subdivision
- Issuing a verbal or written request for assistance to another participating political subdivision. If the request is made verbally, a written confirmation shall be made no later than 72 hours after the verbal request is made.

All intrastate mutual aid compact requests shall be made through the County emergency management agency [established under ORC 5502.26] or an official designated by the chief executive of the participating political subdivision for which the assistance or aid is requested. The request shall include:

- A description of the incident, disaster, exercise, training activity, planned event or emergency;
- A description of the assistance or aid needed;
- An estimate of the length of time the assistance or aid is needed;
- The specific place and time for staging the assistance or aid and a point of contact at that location.

The intrastate mutual aid compact does not preclude participation in the Mutual Aid Assistance Contract with other law enforcement agencies that have signed into that agreement in Clermont County.

**DIRECTIVE 3.1  
CONTRACTUAL AGREEMENTS**

<b>Issue Date: 04/23/2020</b>	<b>By Order of Chief of Police</b>
<b>Rescinds: (Issue 09/23/2015)</b>	<b>CALEA Standards Referenced: 3.1.1 &amp; 3.1.2</b>
<b>Pages: 2</b>	

**This directive consists of the following sections:**

**3.1.1. Written Agreement For Services Provided**

**3.1.2 Employee Rights**

**POLICY & PROCEDURE**

**3.1.1 Written Agreement For Services Provided**

A written agreement exists between Miami Township Police and the Milford Exempted School District and Live Oaks Career Development Center governing School Resource Officers. Although needs and concerns are addressed daily through amicable working relationships, a Memorandum of Understanding between Miami Township and the schools specifies services provided by the agency and includes:

*Statement of the Specific Services to be Provided*

The Miami Township School Resource Officers (SRO) will perform his/her regular police patrol duties in addition to those duties listed in the School Resource Officer job description. The assigned officer's area of concern will be at an assigned school within the boundaries of Miami Township.

*Financial Arrangements Between the Parties*

Miami Township will pay fifty (50%) of the School Resource Officer's salary to include yearly raises set forth by the department's Collective Bargaining Agreement and benefits. Miami Township will provide a marked police vehicle at no extra cost.

In return, the school district acquiring the SRO will pay fifty (50%) of the SRO's salary to include yearly raises set forth by the Miami Township Police Officer's Collective Bargaining Agreement. At the end of a school year, an invoice will be sent to the school district for the agreed payment.

*Records to be Maintained Concerning Performance of Services*

Miami Township will maintain all payroll records related to the SRO, making them available to the school district for viewing. The SRO will submit a monthly activity report to his/her immediate supervisor.

### *Duration, Modification and Termination of the Memorandum of Understanding*

The agreement may be terminated when either party feels the program has lost its effectiveness or is not in its best interest.

### *Legal Contingencies*

The Department reserves the right to assign another officer to perform SRO duties on the Campus. The Department agrees to notify and consult with Campus Administrators and the School regarding any such change. The Department also reserves the right to assign the Officer acting as SRO to other duties on days the School does not need SRO services.

The School also acknowledges and agrees that the Department may temporarily deploy the Officer serving as the SRO without prior notice in case of an emergency. In such event, the Department will return or temporarily replace the SRO as soon as practicable under the circumstances.

### *Stipulation that Provider Agency Maintains Control Over Personnel*

Miami Township will hire, train, equip, supervise, manage and evaluate personnel selected for the SRO program. The evaluation process will include input from school administrators. The SRO will participate in annual retraining during the summer months and during the school year only when needed special training opportunities arise.

### *Use of Equipment & Facilities*

The school district will provide adequate office space to conduct interview and other business related to the SRO's duties.

### *Process for Review and Revision, if Needed of the Agreement*

The Memorandum of Understanding shall be signed and dated by a designated Miami Township employee and the school district representative. Should review or revision of the Memorandum of Understanding be needed, Miami Township shall draft a new Memorandum that will be signed by both parties.

### **3.1.2 Employee Rights**

Miami Township School Officers are afforded the same rights of employment as all other officers under the Collective Bargaining agreement and Miami Township Policy and Procedures. Participation in the SRO program shall not infringe on any employment right, promotional opportunity, training opportunity or fringe benefits.

# DIRECTIVE 4.1 USE OF FORCE

<b>Issue Date: 08/31/2020</b>	<b>By Order of Chief of Police</b>
<b>Rescinds: (Issue 03/19/2020)</b>	<b>CALEA Standards Referenced: 4.1.1; 4.1.2; 4.1.3; 4.1.4; 4.1.5; 4.1.6 &amp; 4.1.7</b>
<b>Pages: 10</b>	<b>Ohio Standard 1</b>

**This directive consists of the following sections:**

- 4.1.1 Use of Reasonable Force**
- 4.1.2 Use of Deadly Force**
- 4.1.3 Warning Shots**
- 4.1.4 Use of Authorized Less Lethal Weapons**
- 4.1.5 Rendering Medical Aid Following Police Actions**
- 4.1.6 Vascular Neck Restrictions**
- 4.1.7 Choke Holds**

## **DEFINITIONS:**

Active Aggression - means that the subject takes physical action toward any person, by any means.

Aggravated Active Aggression - means that the subjects' actions may cause serious physical harm to anyone or the subject is using deadly force against any person.

Deadly Force - means any force that carries a substantial risk that it will proximately result in the death of any person. [ORC 2901.01A]

De-Escalation – taking action or communicating verbally or non-verbally during a potential force encounter in an attempt to stabilize the situation and reduce the immediacy of the threat so that more time, options, and resources can be called upon to resolve the situation without the use of force or with a reduction in the force necessary.

Defensive Resistance - means that the subjects' actions or verbalization offer active resistance to the officer, by attempting to escape the officer's control by any means.

Force - means any violence, compulsion or constraint physically exerted by any means upon or against a person or thing. [ORC 2901.01A]

Immediate - means near to or related to present time.

Less Lethal Force - means any force that is intended to incapacitate or stop a person without causing death.

Objectively Reasonable - The amount of force that would be used by other reasonable and well-trained officers when faced with the circumstances that the officer using force was presented with at the time of the incident.

Passive Resistance - means that the subjects' actions offer no active opposition or resistance to the officer's control.

Psychological Intimidation / Totality of Circumstances - means that the size of, appearance of, gestures or any actions exhibited by a subject, or known indicators at the time of the incident that may be perceived by the officer as a threat.

Physical Harm to Persons - means any injury, illness or other physiological impairment, regardless of its gravity or duration. [ORC 2901.01A]

Physical Harm to Property - means any tangible or intangible damage to property that, in any degree, results in loss to its value or interferes with its use or enjoyment. Physical harm to property does not include wear and tear occasioned by normal use. [ORC 2901.01A]

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

Reasonable Force – that force which is necessary to accomplish lawful objective.

Risk - means a significant possibility, as contrasted with a remote possibility, that a certain result may occur or that certain circumstances may exist. [ORC 2901.01A]

Secondary Firearm - means a personally owned firearm that an officer may carry as a back up firearm while on-duty or as an off-duty firearm; subject to the provisions of this directive.

Serious Physical Harm to Persons - means any of the following:

- Any mental illness or condition of such gravity as would normally require hospitalization or prolonged psychiatric treatment;
- 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;

- Any physical harm that involves acute pain of such duration as to result in substantial suffering or that involves any degree of prolonged or intractable pain. [ORC 2901.01A]

Serious Physical Harm to Property - means any physical harm to property that does either of the following:

- Results in substantial loss to the value of the property or requires a substantial amount of time, effort, or money to repair or replace;
- Temporarily prevents the use or enjoyment of the property or substantially interferes with its use or enjoyment for an extended period of time. [ORC 2901.01A]

Substantial Risk - means a strong possibility, as contrasted with a remote or significant possibility, that a certain result may occur or that certain circumstances may exist. [ORC 2901.01A]

Verbal Non-Compliance - means that the subject has verbalized the intent not to comply with the officer's directions

Verbal Direction - means the verbalization by an officer directing a person to perform in some manner.

## **POLICY AND PROCEDURE:**

### **4.1.1 Use of Reasonable 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.

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.

### **Use of Force Guidelines**

When officers are faced with confrontation, de-escalation tactics and techniques should be utilized whenever possible. Calling for back up should be a priority.

Officers may display less lethal weapons whenever the officer has reasonable belief that such display may diminish aggressive behavior by another.

Officers may display a firearm whenever the officer has a reasonable belief there may exist immediate danger of serious physical harm to any person or whenever the officer

has a reasonable suspicion that a person may be armed with a deadly weapon or under any circumstance where an officer is authorized to use deadly force.

Disengagement from confrontation shall be an option and officers are authorized to disengage from a confrontational situation and retreat to a position of safety when in the officers' opinion such disengagement may diminish the threat of immediate harm to the offender, the officer or any other person.

The following use of force guidelines are to provide direction for officers in their response to resistance or force which is encountered while in the performance of their sworn duties and effecting lawful objectives.

An officer shall not be required to progress through lower levels of response action in responding to resistance or force.

The use of vascular neck restraints is prohibited unless an officer is in a deadly use of force scenario and all other reasonable means of response have been exhausted and it is necessary for the defense of the officers' life or the life of another.

#### *Resistance/Force Encountered & Officer Response, Use of Force Continuum*

Officers should attempt to achieve control through verbal commands. However, officers need not apply force in gradually increasing steps to justify physical control or even deadly force. Instead, officers need to respond with all the force reasonably necessary for the circumstances in each specific situation. Members may use only that level of force necessary to gain control when compliance cannot be achieved through verbal commands and there is:

- Resistance to the officer's performance of a lawful duty;
- A threat to the safety for the officers or another person; or
- A reasonable belief that there are no alternatives, or they would clearly be ineffective.

Each use of force situation is unique, and this continuum is intended only as an illustration of the various force options that are available to an officer facing a given level of subject resistance.

This Use of Force Continuum is not intended to preclude a force option when that option would not exceed the amount of force reasonably necessary to affect a lawful arrest (*Graham v. Connor*, 490 U.S. 386 (1989)). The 'Graham Factors' should be considered during any force situation.

- The severity of the crime at issue;
- Whether the suspect poses an immediate threat to the safety of the officers or others, and;

- Whether the suspect is actively resisting arrest or attempting to evade arrest by flight.

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, if the level of force used is reasonable under the circumstances.

Disengagement, area containment, surveillance, waiting out a suspect, summoning reinforcements, or calling in specialized units may be an appropriate response to a situation.

Force 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, departmental 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.

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

#### Passive Resistance

- Verbal Direction
- Empty Hand Techniques
- Soft-Pressure Points
- Escort Position

#### Verbal Non-Compliance

- Verbal Direction
- Empty Hands Techniques
- Soft-Pressure Points
- Escort Position
- Chemical Agent = *There is a perceived physical threat present.*

#### Psychological Intimidation

- Verbal Direction
- Empty Hand Techniques
- Soft-Pressure Points
- Escort Position
- CEW = *There is a perceived physical threat present.*
- Chemical Agent = *There is a perceived physical threat present.*

## Defensive Resistance

- Verbal Direction
- Empty Hand Techniques
- Hard-Pressure Points
- CEW = *There is a perceived physical threat present.*
- Chemical Agent
- Police Canine

## Active Aggression

- Tactical Baton
- CEW
- Chemical Agent

## Aggravated Active Aggression

- Lethal Force
- Firearm
- CEW
- Tactical Baton

### 4.1.2 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:

- To defend themselves from serious physical injury or death; or,
- To defend another person from serious physical injury or death; or,
- In accordance with US and Ohio Supreme Court decisions, specifically, Tennessee v. Garner and Graham v. Connor.

An officer may only use deadly force when the officer reasonably believes that the action is in defense of human life, including the officers' own life, or in the defense of any person in immediate danger of serious physical harm.

Officers will not discharge a firearm at or from a moving vehicle, unless all other reasonable means have been exhausted and it is necessary for the defense of the officers' life, the life of another, or the officer has reasonable cause to believe that the suspect poses a significant threat of death or serious physical harm to the officer or another.

When reasonable, appropriate, and not prevented by physical environment, distance, or other situational circumstances, officers should provide warning prior to the use of deadly force.

Annually, definitions of conditional terms or similar terms shall be reviewed during in-service training.

#### **4.1.3 Warning Shots**

Officers are never justified in discharging a firearm to fire a warning shot.

#### **4.1.4 Use of Authorized Less Lethal Weapons**

Officers may only use less lethal weapons within the scope of their employment and authority to use such weapons and then only with the degree of force necessary to affect the officers' lawful objective.

Officers may only carry or use an approved less lethal weapon after documented proficiency training.

Officers are prohibited from carrying or using any less lethal weapon other than those approved by the Chief of Police.

#### **Expandable Baton**

The current approved and issued expandable baton is an expandable baton of metal construction. The department will issue each officer an expandable baton. Uniformed officers shall carry on their duty belt the issued expandable baton in the issued baton holder.

#### **Chemical Agent**

The department will issue each officer an approved chemical agent spray for use. Uniformed officers shall carry on their duty belt the issued chemical agent container within the department issued chemical agent holder.

If possible, a verbal warning should be issued prior to the use of the chemical agent unless exigent circumstances exist that would make it imprudent to do so.

When spraying chemical agent, target a subject's face and upper torso. It is recommended to deliver the chemical agent in one-half to one second bursts and if unable to control the subject resort to other means of force.

Absent exigent circumstances, officers should remove the subject from the contaminated area and face them into the wind. EMS will be called to the scene to assist with decontamination and to assess any health concerns of the subject.

Larger quantities of chemical agents may be stored in each patrol supervisor's vehicle for use in large disturbances.

### Conducted Electrical Weapon (CEW)

The department issues approved CEWs for use in the field. Only properly functioning and charged CEWs are to be carried. Uniformed officers working road patrol will carry a CEW.

The CEW must be worn on the non-dominant side in either a non-dominant draw or cross draw position.

When deploying a CEW against a fleeing suspect, the officer should consider, along with the Graham Factors in the Use of Force Guidelines:

- Have proper instructions to halt been issued?
- The landing location(s): asphalt, railroad tracks, grass, stairwells or bodies of water, etc.

Officers must be trained concerning:

- The ability of an electrical charge to act as an ignition for combustible materials.
- The preferred targeting is the center mass of the subject's back; however, it is recognized that it is not always possible to get behind the subject. Where back – targeting is not possible, frontal targeting should be lower center mass, and intentional deployments to the chest shall be avoided where possible. Officers shall make all reasonable efforts to avoid striking persons in the head, neck, eyes or genitals.
- The effectiveness of the CEW when deployed on persons wearing heavy or layered clothing.
- Use of the CEW should be combined with physical restraint techniques to minimize the total duration of the struggle and CEW use. Additional officers on the scene of a CEW deployment should attempt to restrain and handcuff a subject during an active CEW cycle. Officers should transition to a different force option if multiple CEW deployments fail to gain compliance or continued CEW applications are not making enough progress toward gaining compliance.
- When possible, avoid prolonged, extended, uninterrupted discharges or extensive multiple discharges. Minimizing the successive number of CEW discharges against an individual when possible but being aware when back-up officers are unavailable, that multiple applications may be necessary to gain or maintain control of an active aggressive individual.
- No more than one officer deploying a CEW against a single individual at the same time.
- The CEW is not to be used as a punitive measure.
- It is recommended to give a verbal warning prior to each discharge to warn other officers that a deployment is about to occur and to give the subject an opportunity to comply with your orders.

- Discharging a CEW at animals. The CEW is an effective tool for stopping the aggressive behavior of wild or potentially dangerous animals. The CEW is especially effective for vicious and /or dangerous dogs. Officers using a CEW on an animal may need to adjust their aim to ensure contact is made with both probes.

Officers will not use a CEW on a subject(s) who are operating a motor vehicle.

Officers should avoid using the CEW on unarmed persons who reasonably appear to be, or are known to be, young children, elderly persons, medically infirm, pregnant or users of a cardiac pacemaker. Officers are not prohibited from using the CEW on such persons, but use is limited to those exceptional circumstances where the potential benefit of using the CEW (i.e. injury reduction) reasonably outweighs the risks and concerns.

Officers carrying a CEW shall conduct a function test at the beginning of their shift. If a CEW other than the officer's assigned unit is being used, the officer's supervisor will note the CEW serial number tested by the carrying officer's name on the shift activity report.

#### *Emergency Situations*

If an officer is confronted with an emergency in which the use of deadly force is justified, the officer may use anything at his/her disposal to avoid death or serious physical harm.

#### **4.1.5 Rendering Medical Aid Following Police Actions**

Anytime an officer uses force against any person, the officer shall as soon as appropriate and when they are able to do so, determine if an injury has occurred or the person needs medical assistance. If the officer determines that there is a need for medical aid or if the person upon whom force was used requests medical aid, the officer shall summon medical aid via contact of Clermont County Communication Center. Clermont County Communication Center will request Miami Township Fire/EMS to respond to officer's location for medical aid.

Officers shall render any immediate medical assistance that they are trained and able to perform.

Officers using a CEW may remove darts embedded in a subject's skin using the appropriate technique provided the darts are not embedded in soft body tissue, i.e. genitals, breast tissue, or any that are above the collar bone. If the darts are embedded in the soft body tissue a paramedic or EMT will be requested for removal.

Used CEW cartridges and darts are considered a biohazard. All necessary precautions such as gloves will be used when removing and or collecting the darts. The used cartridge and darts will be placed in a biohazard receptacle.

All persons who have been the subject of a Conducted Electrical Weapon deployment shall be monitored for a period with a focus on symptoms of physical distress. Any person, who appears to be having any form of physical distress following the deployment of a CEW, shall be transported to a medical facility for a medical examination. It should be noted that studies indicate that persons who suffer from excited delirium may not be immediately impacted and the onset of physical difficulty may occur after the police control event.

Mandatory Medical Clearance at the Hospital is required:

- If the person has been struck in a sensitive area: eyes, head, genitals, female breasts.
- When the probes have penetrated the skin and Officers/EMS cannot safely remove darts in accordance with this policy.
- For persons who do not appear to have fully recovered after a short period of time.
- For persons who fall into one of the vulnerable classes such as juveniles, pregnant women, persons who officers become aware have a pre-existing medical condition that increases danger and the elderly.

**4.1.6 Vascular Neck Restrictions**

The use of vascular neck restraints is prohibited unless an officer is in a deadly use of force scenario and all other reasonable means of response have been exhausted and it is necessary for the defense of the officers' life or the life of another.

**4.1.7 Choke Holds**

The use of choke holds or any technique restricting the intake of oxygen for the purpose of gaining control of a subject is prohibited unless an officer is in a deadly use of force scenario and all other reasonable means of response have been exhausted and it is necessary for the defense of the officers' life or the life of another.

## **DIRECTIVE 4.2 USE OF FORCE REPORTING AND REVIEW**

<b>Issue Date: 09/01/2020</b>	<b>By Order of Chief of Police</b>
<b>Rescinds: (Issue 03/23/2020)</b>	<b>CALEA Standards Referenced: 4.2.1; 4.2.2; 4.2.3; 4.2.4 &amp; 4.2.5</b>
<b>Pages: 6</b>	<b>Ohio Standard 1</b>

**This directive consists of the following sections:**

- 4.2.1 Reporting Uses of Force**
- 4.2.2 Written Use of Force Reports and Administrative Review**
- 4.2.3 Removal from Line of Duty Assignment**
- 4.2.4 Analyze Reports**
- 4.2.5 Assault on Sworn Officer Analysis**

### **POLICY AND PROCEDURE:**

#### **4.2.1 Reporting Uses of Force**

A written Use of Force report is submitted whenever an employee:

- Discharges a firearm, for other than training or recreational purposes;
- Takes an action that results in, or is alleged to have resulted in, injury or death to another person;
- Applies force using lethal or less lethal weapons, or;
- Applies weaponless physical force.

All officers have a duty to ensure that all use of force and any citizen allegation of excessive force are reported to the Police Department. Whenever an officer uses deadly force, force, hard hand tactics, chemical irritant, a CEW; or confronts resistance that results in an injury or the complaint of injury to a citizen, or of excessive force, the officer will immediately 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 the force unless an exception is approved by the Chief of Police.

The primary officer will complete and file a written Use of Force Report anytime they use physical, weaponless, less lethal or lethal weapons against another person, whether injury or death results from such use of force, regardless if the force was intentional, unintentional or accidental. Support officers involved shall complete a thorough statement of facts to be included in the report. Prior to the filing of the written Use of Force report, the officer involved or alleged to have been involved will immediately contact the shift supervisor and give an oral report concerning the incident.

If the officer involved is unable to complete the proper reports, then the supervisor will file the appropriate reports. Any report that is filed by a supervisor for an officer will be supplemented with a written report filed by the officer involved, as soon as practical after the incident.

#### **4.2.2 Written Use of Force Reports and Administrative Review**

The department will investigate all incidents where an officer uses force or is alleged to have used force against any person. The investigation will conclude with a review by the Chief of Police of the incident to determine if the action by department personnel were within guidelines set forth in the policies of the department.

The shift supervisor, will as required, make the appropriate notifications and then investigate the incident. The shift supervisor will complete the Supervisor's Use of Force report. The shift supervisor will compile all appropriate information from the incident and forward the report along with the officers' use of force report, photos, recordings, statements, evidence, etc....to the Patrol Division Supervisor.

The Patrol Division Supervisor will review the report for accuracy, completeness and reasonableness. The Patrol Division Supervisor will make a recommendation to the Chief of Police of whether the Use of Force was within policy, out of policy or accidental.

The report will be submitted to the Chief of Police for review and disposition of the investigation. Disposition of the case will conclude with a finding of within policy, out of policy or accidental.

#### **4.2.3 Removal from Line of Duty Assignment**

When death or serious physical injury has resulted from the use of force or any other action by an employee (auto accident or other means), the employee as soon as practical, will be removed from line duty assignment or they may be placed on paid administrative leave until completion of an administrative review of the incident. This review will be completed as soon as practical following the incident.

When an employee has or has been alleged to have been involved in an incident that has resulted in the death or serious injury of a person, the employee may be required to undergo a debriefing with a psychologist. The department will afford the services of a professional psychologist and/or psychiatrist to an employee who has or has been alleged to have used force or any other action that resulted in the death of a person. When an employee elects to use this service, it shall be protected by the physician-patient relationship.

The Chief of Police may also grant relief from duty when an employee has been involved in a critical incident. Such incident is defined as an occurrence that brings an overwhelming emotional response from the employee witnessing it and the emotional effect goes beyond the employees coping abilities.

#### **4.2.4 Analyze Reports**

Annually, the agency conducts an analysis of its use of force activities, policies and practices that shall identify:

- Date and time of incidents;
- Type of encounters resulting in use of force;
- Trends or patterns related to race, age and gender of subjects involved;
- Trends or patterns resulting in injury to any person including employees;
- Impact of findings on policies, practices, equipment and training.
- All assaults on sworn officers

The review will be conducted by the Patrol Division Supervisor and will include reviewing each use of force report required by this directive and determining over all if department procedures and practices should be changed due to legal decisions, requirements of the department or in the interest of the community served. The Patrol Division Supervisor shall upon review, determine if additional or alternative training is necessary for department personnel dealing with any aspect of the application or reporting of the use of force. This analysis and all revisions/recommendations shall be submitted to the Chief of Police.

#### **4.2.5 Assault on Sworn Officer Analysis**

All assaults on officers are reported and reviewed by the Patrol Division Supervisor. An annual review is conducted by the Patrol Division Supervisor or their designee to enhance officer safety, revise policy and address training needs for Police Chief's review and approval. The annual review will be included in the annual Use of Force analysis report.

## DIRECTIVE 4.3 WEAPONS AND TRAINING

<b>Issue Date: 03/23/2020</b>	<b>By Order of Chief of Police</b>
<b>Rescinds: (Issue 06/07/2019)</b>	<b>CALEA Standards Referenced: 4.3.1; 4.3.2; 4.3.3; 4.3.4 &amp; 4.3.5</b>
<b>Pages: 9</b>	<b>Ohio Standard 1</b>

This directive consists of the following sections:

- 4.3.1 Authorization: Weapons and Ammunition**
- 4.3.2 Demonstrating Proficiency with Weapons**
- 4.3.3 Annual/Biennial Proficiency Training**
- 4.3.4 Prerequisite to Carrying Lethal/Less Lethal Weapons**
- 4.3.5 Firearms Range**

### **POLICY AND PROCEDURE:**

#### **4.3.1 Authorization: Weapons and Ammunition**

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 in law enforcement responsibilities.

#### *Authorized Lethal Weapons*

Officers on duty will carry the department issued firearm. 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 a firearm that does not conflict with any federal, state, local law, ordinance or resolution.

Officers while carrying a firearm 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.

#### Firearm Specifications

- o Department Firearms
  - o Issued personal firearm shall be a Glock Gen 5 Model 45 – 9mm.
  - o Patrol rifle shall be an AR-15 style 5.56 NATO and/or .223 calibers.

- o Secondary Firearm

- o Secondary firearms may be an approved revolver or semi-auto pistol of 38 special, 380 auto, 40 S&W, 45 auto or 9mm (9x19) caliber. The secondary weapon must be approved by a Department Firearms Instructor utilizing the Request to Utilize Secondary Firearm form.

[Authorized Less Lethal Weapons](#)

Officers may only use less lethal weapons within the scope of their employment and authority to use such weapons and then only with the degree of force necessary to affect the officers' lawful objective. Officers are prohibited from carrying or using any less lethal weapon other than those approved by the Chief of Police.

Expandable Baton

The current approved and issued expandable baton is an expandable baton of metal construction. The department will issue each officer an expandable baton. Uniformed officers shall carry on their duty belt the issued expandable baton in the issued baton holder.

Chemical Agent

The department will issue each officer an approved chemical agent spray for use. Uniformed officers shall carry on their duty belt the issued chemical agent container within the department issued chemical agent holder.

Larger quantities of chemical agents may be stored in each patrol supervisor's vehicle for use in large disturbances.

CEW

The department issues approved CEWs for use. Only properly functioning and charged CEWs are to be carried. Uniformed officers working road patrol will carry a CEW.

[Authorized Ammunition](#)

Only department approved and issued ammunition will be used in any firearm carried by an officer in either an on duty or off duty status.

Ammunition Specifications

- Department Firearms Ammunition
  - o 9mm Federal HST2 147 grain.
  - o 5.56 NATO and/or .223 62 grain Speer Gold Dot.

- Secondary Firearms Ammunition
  - 9mm (9x19) 147 grain Gold Dot Hollow Point;
  - 380 auto 90 grain Gold Dot Hollow Point;
  - 40 cal. 180 grain Gold Dot Hollow Point;
  - 45 auto 230 grain Gold Dot Hollow Point;
  - 38 special +P caliber 135 grain Gold Dot Hollow Point;
  - 10 mm 200 grain.
  
- Training Ammunition
  - 9mm 147 grain American Eagle Full Metal Jacket Flat Point;
  - 5.56 NATO and/or 223 62 grain Full Metal Jacket.

Euthanizing Animals – Authorized Weapons & Ammunition

The following steps shall be followed:

- Request permission from shift supervisor to euthanize a sick/injured animal;
- Euthanize the animal in a safe manner and direction;
- Complete an incident report to include the following information: Supervisor granting permission, type of weapon and number of rounds used.

The handgun will be used to euthanize large animals such as deer that are sick or injured. The .22 rifle should be used on smaller animals such as raccoons.

Should the animal euthanized be small, such as a raccoon, officers will place carcass in a plastic garbage bag and transport to Day Heights Veterinary Clinic (5628 Wolfpen Pleasant Hill Road, Milford, OH 45150). If during business hours, officer will contact staff informing them of carcass and ask where to place it. After hours, officer is to place the bag at the rear of the building next to the rear door. Somewhere on the outside of the bag, officer needs to identify it as being from Miami Township Police Department.

*Review, Inspection & Approval of Weapons*

Department Owned Firearms

Every department owned firearm shall be inspected by a department firearms armorer upon original receipt of the firearm, before placing the firearm in an operational readiness status. The inspection shall be made to determine if the firearm meets department specifications, is safe and in good working order. The armorer completing the inspection shall complete the Firearms Inspection Report form.

After issuance or being placed in an operational readiness status, department owned firearms shall be inspected by a department firearms armorer annually. This annual inspection shall be made to ensure maintenance and care guidelines have been followed and that the weapon is safe and in

good working order. The armorer completing the inspection shall complete the Firearms Inspection Report form.

### Secondary Firearms

A firearm that an officer requests to utilize as a secondary firearm must meet the department established requirements for such firearms. Prior to use in any capacity, the officer shall complete a Request to Utilize Secondary Firearm form. The secondary firearm shall be inspected by a department firearms armorer to determine that the firearm meets department specifications, is safe and in good working order. This inspection shall be documented on the request form.

After the initial inspection and approval by the Chief of Police, a department firearms armorer shall inspect approved secondary weapons annually. This annual inspection shall be made to ensure maintenance and care guidelines have been followed and that the weapon is safe and in good working order. This inspection shall occur at the annual qualification and be documented on the Firearms Qualification Report form.

### Less Lethal Weapons

- CEW's are inspected upon initial issuance and by officers at the beginning of each shift.
- Expandable batons and chemical agents are inspected upon issuance and during each Less Lethal Weapon qualification.

### Removal of Unsafe Weapons

Any department owned firearm found to be in an unsafe condition shall be immediately seized. A report concerning the circumstances shall be made and forwarded to the Patrol Division Supervisor.

Any secondary firearm found to be in an unsafe condition shall immediately revoke the authorization to utilize the firearm. A report concerning the circumstances shall be made and forwarded to the Chief of Police who shall rescind the secondary firearm authorization form.

No weapon, which is removed from use because of an unsafe condition, shall be returned to use until which time the unsafe condition has been corrected and a firearms armorer has inspected, test fired and approved the weapon for use. This re-inspection shall be documented on the Firearms Inspection Report form.

Any less lethal weapon found to not be functioning properly shall immediately be removed from service by the officer discovering the malfunction. A report concerning the circumstances shall be made and forwarded to the Patrol Division Supervisor.

No less lethal weapon removed from service shall be returned to use until the weapon is repaired or replaced.

### [Record of Agency Approved Weapons](#)

#### Department Owned Weapons

A designated firearm/less lethal weapon instructor shall maintain a master list of department owned and approved lethal and less lethal weapons.

The designated firearm/less lethal weapon instructor shall forward to the Support Services Lieutenant and the designated Sergeant of uniform/equipment issuance, the make, model, serial number and location of the weapon or to whom the weapon was issued. The Support Services Lieutenant shall update the agency owned property listing. The designated Sergeant in charge of maintaining the officers record of issued uniform and equipment shall update the uniform/equipment issuance form.

#### Secondary Firearms

Upon approval of a secondary firearm, the Request to Utilize Secondary Weapon form shall be forwarded to the Training Coordinator, who shall place the secondary firearm approval form in the officers Weapons & Qualification training file.

### [Storage of Agency Authorized Firearms](#)

Department authorized firearms are to be secured at all times. This includes when the weapon is on the officers' person, while in transport and at home.

Department firearms that are not issued are to be stored and secured in the department's armory.

Department issued shotguns and AR-15's are to be secured in their assigned vehicle utilizing the locking gun mounts (when applicable).

### **4.3.2 Demonstrating Proficiency with Weapons**

Each officer will display understanding and proficiency through qualification and testing annually (firearms & CEW) or biennially (expandable baton & chemical agent) under the department use of force directive to be authorized to carry or use any firearm or less lethal weapon.

In addition to any other qualification for proficiency, each officer must achieve a minimum of score of 90 percent on a written test that covers the police department's directives on the use of force. This written exam will be administered no less than once each year in conjunction with use of force training and proficiency qualification.

All sworn personnel, upon hiring and during Phase One of the Field Training Program will display understanding and proficiency through qualification and testing under the department use of force directive to be authorized to carry or use any firearm or less lethal weapon.

## Firearms Proficiency

Annually, each officer will qualify with all department issued firearms and approved secondary firearm. The firearm qualification course will be drawn up by the department firearms instructors and will be approved by the Chief of Police. Qualification courses shall require the officer to use the weapons in the same manner as they are accustomed to using them. No less than once each year the course of fire will at a minimum meet the State of Ohio minimum firearms qualification guidelines.

## Less Lethal Weapon Proficiency

Annually, each officer authorized to carry a CEW will demonstrate proficiency with the CEW.

Biennially, each officer will demonstrate proficiency with the less lethal weapons: expandable baton & chemical agent.

The less lethal proficiency requirements will be drawn up by certified less lethal weapon instructors and will be approved by the Chief of Police.

### 4.3.3 Annual/Biennial Proficiency Training

Annually, each officer will qualify with all department issued firearms and approved secondary firearms.

Annually, each officer authorized to carry a CEW will demonstrate proficiency with the CEW.

Biennially, each officer will qualify with the less lethal weapons: expandable baton and chemical agent. This qualification includes testing in weaponless control techniques.

A certified weapons or tactics instructor shall monitor firearm, less lethal weapons and weaponless control techniques testing and proficiency.

The results of all firearms, less lethal weapons and weaponless control techniques proficiency and testing shall be in writing and the results shall be filed with the department training coordinator.

Officers who fail any of the following shall not be authorized to carry such weapon until which time they have successfully completed a course of remedial training under the instruction of a certified weapons or tactics instructor.

- Firearms
  - Failure to obtain a qualifying score with all issued & secondary firearms;
  - Failure to pass the written test as provided in this directive;
  - Failure to display proficiency in the handling and care of firearms;
  - Failure to attend an annual qualification and testing.

- Less Lethal Weapons
  - Failure to obtain a passing score with less lethal weapon proficiency testing;
  - Failure to pass the written test as provided in this directive;
  - Failure to attend an annual (CEW) or biennial (expandable baton and chemical agent) qualification and testing.

Officers after receiving a course of remedial instruction in the areas where they failed to meet the department's required qualification guidelines and who after receiving such instruction continue to fail qualification and/or proficiency testing with their issued weapons or the written test, will be referred by the certified instructor to the Patrol Division Supervisor with a recommendation for medical evaluation, additional training, recession of privilege to carry the weapon or disciplinary action. The Patrol Division Supervisor shall within forty-eight hours of being notified of such deficiency, review each officer's individual circumstances and make a written report as to the most appropriate course of action to be taken. The Patrol Division Supervisor shall guide his action and decision toward bringing the deficient officer into compliance with the department's weapon directive requirements.

#### Retired Officer Annual Application/Qualification

Miami Township offers an annual application/qualification process for retired Miami Township Officers.

The Range Master will make an annual notification to retired officers that will include range date and time and notification to complete the Retired Law Enforcement Firearm Qualification Application with a due date.

Retired Miami Township Officers who complete the Retired Law Enforcement Firearm Qualification Application and who are approved to participate by the Chief of Police will be scheduled to qualify during a Miami Township scheduled range date.

The Retired Law Enforcement Firearm Qualification Application and any accompanying documentation will be maintained with department firearm records.

#### 4.3.4 Prerequisite to Carrying Lethal/Less Lethal Weapons

Each officer will display understanding and proficiency through qualification and testing during phase one of the field training program and thereafter, annually (firearms & CEW) or biennially (expandable baton, chemical agent & weaponless control techniques) under the department use of force and use of deadly force directive and policy statements to be authorized to carry or use any firearm or less lethal weapon.

A receipt showing that an officer has access to, has read and understands the police department's use of force and use of deadly force directive and policy statements will be signed by the officer and maintained by the training coordinator as indicated.

- Upon initial employment;
- Upon any revised issuance of this directive.

### 4.3.5 Firearms Range

#### Purpose Range Utilized

The Miami Township Police Department utilizes various firearms range locations. The purpose of utilizing the firearms range is to provide firearms training to sworn or retired officers of the Miami Township Police Department. The firearms range will be used for approved law enforcement training and qualifications. The firearms range will first be approved by a firearms instructor to determine any range restrictions before the start of any training. Law enforcement personnel or authorized participants of the training are the only individuals allowed on the range during any of these events.

#### Safety Procedures and Range Rules

Range rules may vary depending on the managing entity. However, documented safety procedures and range rules will be reviewed with all participants prior to any training event. The department's Firearms Instructors oversee range discipline. Officers failing to comply with the rules of the range could be requested by the department Firearms Instructor(s) to leave the range and be subject to disciplinary action. Standard safety procedures utilized by departmental firearms instructors include:

- Eye and ear protection are mandatory and will be worn at all times when on the range.
- Body armor will be worn at the discretion of the Range Master/Firearms Instructor while the firearms range is in use.
- Handle all firearms as if they were loaded.
- Keep your firearm pointed downrange.
- Weapons will not be loaded until the command to load is given by the Range Master or Firearms Instructor.
- No person shall advance forward of the firing line until the line has been declared clear and safe by a range officer.
- The firing line will be considered safe by the range officer when all weapons are unloaded or holstered.
- Carelessness and horseplay are prohibited
- Keep your finger out of the trigger guard until you are ready to fire.
- Shooters will only shoot from designated areas.
- Shooters will only use ammunition and targets authorized by policy and the training section.
- All injuries will be reported to the firearms instructor or supervisor on duty.
- Cease fire should be called by ANYONE who observes an unsafe condition.

#### Range Supervisor

The range will be under the exclusive control of the Firearms Instructor(s). All members

attending will follow the directions of the Firearms Instructor(s). The Instructor(s) will maintain a roster of all members attending the range and will submit the roster to the Training Coordinator after each range date. The Firearms Instructor(s) have the responsibility of making periodic inspections, at least once a year, of all duty weapons carried by officers of this department to verify proper operation. The Firearms Instructor(s)/Armorer has the authority to deem any department-issued or privately owned firearm unfit for service. The member will be responsible for all repairs to his/her privately-owned firearm. It will not be returned to service until inspected and approved by the Armorer. The Firearms Instructor(s) 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 Firearms Instructor(s) shall complete and submit to the Chief of Police and Training Coordinator documentation of the training courses provided. Documentation shall include a lesson plan of the training provided and a list of each member who completes the training. The Firearms Instructor(s) should keep accurate records of all training, qualifications, repairs, maintenance, or other records as directed by the Chief of Police and/or Training Coordinator.

#### *Authorized Weapons, Ammunition, Targets and Equipment*

Only Miami Township Police Department approved weapons, targets, ammunition, and equipment will be used during any firearms qualifications and training.

#### *Required Safety Equipment*

All personnel on the range shall wear hearing protection. All shooters on the line shall wear hearing and eye protection, as well as a ballistic vest. A first aid kit, fire extinguisher, portable radio, and cell phone will remain readily accessible at all times while there is training at the range. Any injuries sustained during training at the range shall be immediately reported to the Firearms Instructor(s) or range staff. Written notification will then be provided to supervisory personnel.

#### *Training and Certification Requirements for Range Instructors*

All personnel working in the capacity of a Firearms Instructor shall complete the appropriate training to be a certified Firearms Instructor. Firearms Instructors shall receive emergency medical response training and/or first aid training.

#### *Storage of Ammunition and Weapons*

All personnel are responsible for the weapons and ammunition issued to them. Firearms and ammunition shall be worn or stored appropriately and safely at all times. All authorized ammunition being stored at the Department must be secured (padlocked) in a police officer's assigned locker or be stored in the armory.

# DIRECTIVE 11.1 ORGANIZATIONAL STRUCTURE

<b>Issue Date: 09/03/2020</b>	<b>By Order of Chief of Police</b>
<b>Rescinds: (Issue 04/23/2020)</b>	<b>CALEA Standards Referenced: 11.1.1</b>
<b>Pages: 5</b>	

**This directive consists of the following sections:**

## **11.1.1 Description of Organization**

### **POLICY & PROCEDURE**

The organizational structure of the Miami Township Police Department consists of a Chief of Police and Lieutenants, who oversee three Divisions: Patrol Division, Investigations Division and a Support Services Division.

An explanation of the department organizational structure is available to all personnel through disseminated policy.

## **11.1.1 Organizational Structure and Functions**

The Chief of Police is the administrative head of the Miami Township Police Department, responsible for the overall effective and efficient management of the police department.

### **Chief of Police Functions**

The Chief of Police has the ultimate responsibility for the preservation of life and property, preservation of law and order, investigation of crimes, suppression of vice and enforcement of state law and township resolutions. He/she shall direct the assignment of personnel, establish training programs, maintain records, cooperate with other law enforcement agencies, establish rules, regulations, policies and procedures and provide advice to the Township Administrator on matters pertaining to the police department. He/she shall develop annual budget proposals and control budgeted expenses. The Chief of Police is responsible for the planning for and direction of all activities of the department. This direction will be accomplished through written and oral orders, policies, procedures, directives, guidelines and guidance as well as personal leadership exerted through subordinate supervisors and officers. The Chief may delegate or grant authority to any member of the department as necessary for the efficient administration of the department.

The following personnel report directly to and perform tasks determined by the Chief of Police:

- Administrative Assistant;
- Patrol Division Lieutenant;
- Investigations Lieutenant
- Support Services Lieutenant.

#### Administrative Assistant Functions

The Administrative Assistant reports to and performs tasks determined by the Chief of Police. This civilian employee is responsible for administrative reports, assists with maintenance of the accreditation process, fiscal management of the budget and purchasing process, performs as the department Training Officer and administers the Recruitment & Selection process. The Administrative Assistant shall perform such other duties or functions as may be assigned by the Chief of Police.

#### Patrol Division

The Patrol Division consists of Patrol Sergeants, Corporals and Patrol Officers working in four districts. The Patrol Division is under the direct command of the Patrol Division Lieutenant who is directly responsible for supervision of all personnel and functions assigned to the Division. The Patrol Sergeants shall report to the Patrol Division Lieutenant and shall perform the duties of primary shift supervisor. Corporals shall report to the Patrol Sergeant. In the absence of the Patrol Sergeant, Corporals shall report to the Patrol Division Lieutenant and perform the duties of primary shift supervisor.

- Staffing in each of the four districts consists of Patrol Sergeants supervising District Patrol Officers and Corporals which operate within 12-hour shifts.
- In addition, District Patrol Officers are complimented by traffic safety officers and split shift officers.

The Patrol Division Lieutenant has the authority and responsibility for the management, direction and control of the operations of the division to include:

- Scheduling work for the personnel assigned to the division;
- Determining special enforcement needs and implementing programs or tactics to deal with such needs;
- To interact with other personnel and township departments for the efficient provision of services to the community in fulfillment of the mission of the police department;
- Deploying personnel within the division to deal with problems or tactical situations identified by crime analysis, arrest patterns or special events.

## Patrol Functions

The Patrol Division is responsible for the protection of life and property, prevention of crime, apprehension of offenders and the maintenance of order.

Personnel assigned to district patrol functions shall perform such other duties or functions as may be assigned by the Patrol Division Lieutenant, Patrol Sergeant or Corporal as are necessary to accomplish the goals and objectives of the division and consistent with the mission of the department.

All officers in the Patrol Division are expected to use the community policing and problem-solving approach to chronic problems encountered within their districts/assigned areas.

## Traffic Safety Officers Responsibilities

In addition to the responsibilities outlined in Patrol Functions, officers of the traffic safety unit shall be responsible for directed traffic enforcement within Miami Township; analysis and documentation of traffic problem areas and written submission of measures to correct such problems; acquire, interpret, prepare and distribute information dealing with pertinent traffic related matters through the appropriate channels to affected department personnel; prepare and conduct traffic safety education courses as directed; processing of documentation and vehicles pursuant to immobilization and maintenance of department records and equipment used for breath testing and traffic enforcement.

## *Investigations Division*

The Investigations Division consists of Detectives, a Clermont County Narcotics Unit member, School Resource Officers and Record Clerks. The Investigations Division is under the direct command of the Investigations Lieutenant who is directly responsible for supervision of all personnel and functions assigned to the division. The Investigations Lieutenant shall report to the Chief of Police and shall perform the duties of primary supervisor.

The Investigations Lieutenant has the authority and responsibility for the management, direction and control of the operations of the Investigations Division to include:

- Scheduling work for personnel assigned to the division;
- Determining special needs and implementing programs or tactics to deal with such needs;
- Providing for the functions of Criminal Investigation, Criminal Intelligence and Vice/Organized Crime Control;
- To interact with other personnel and Township Departments for the efficient provision of services to the community in fulfillment of the mission of the police department.

### Detectives Functions

Personnel assigned as Detectives and Clermont County Narcotics Unit members have the primary duty of supporting the efforts of the Patrol Division. The responsibilities of these officers are to accomplish follow-up investigation of criminal offenses; to identify, apprehend and assist in the successful prosecution of criminal offenders; to assist patrol and other assigned police personnel with the investigation, preparation and presentation of criminal cases; to review department records, including connections; dissemination of information necessary to other department personnel and agencies to aid in investigation of offenses, apprehension and prosecution of offenders; maintaining informant contacts; collection, review and arranging for examination by experts, of evidence found at crime scene and vice and organized crime investigation and control.

Personnel assigned to the Investigations Division shall perform such other duties or functions as may be assigned by the Investigations Lieutenant as are necessary to accomplish the goals of the division and consistent with the mission of the department.

### School Resource Officer Functions

The School Resource Officers will act as a liaison between their assigned school and the police department. They are responsible for crime detection and apprehension, crime prevention, community relations, problem solving and case follow-up within their assigned school.

### Records Clerk Functions

Records clerk personnel report to and perform tasks determined by the Investigations Lieutenant. Civilian clerical personnel assigned as records clerks have the primary responsibility for maintenance of department records; to provide at all times the respective divisional services and functions in accordance with the needs, directives and policies and procedures of the department; to interact with other personnel and Township Departments for the efficient and effective provision of services to the community in fulfillment of the mission of the Police Department; perform data entry into the department in-house computer system; control of police reports, to include accessibility, availability and confidentiality; maintenance of departmental records, including distribution, numbering, retention, purging and transcribing recorded statements; retrieval of records, including requests for information; compiling statistical information needed by the department's divisions, units or functions; assisting department personnel with business matters and correspondence; handle calls and information coming into the department by telephone, other electronic means or in person and directing such call or information to the appropriate person, unit, division or function either inside or outside the department and performing such other assigned functions that may be needed from time to time.

### Support Services Division

The Support Services Division is under the direct command of the Support Services Lieutenant who is directly responsible for all personnel and functions assigned to the division. The Support Services Lieutenant shall report to the Chief of Police and shall perform the duties of primary supervisor to assigned personnel.

- The Support Services Division consists of a Support Services Lieutenant, Crime Prevention/Community Relations/Accreditation Manager Officer(s), and a DARE Officer. The Support Services Division is complimented by volunteer Police Chaplains, Citizens Police Academy Alumni Association volunteers and facility/vehicle maintenance personnel.

The Support Services Lieutenant has the authority and responsibility for the management, direction and control of the operations of the Support Services Division to include:

- Scheduling work for personnel assigned to the division;
- Determining special needs and implementing programs or tactics to deal with such needs;
- Providing for the functions of Crime Prevention, Community Relations, Accreditation Manager, the DARE program and police volunteers;
- Supervision of Citizen's Police Academy program;
- All matters related to police vehicles and police equipment;
- All matters related to facility maintenance;
- To interact with other personnel and Township Departments for the efficient provision of services to the community in fulfillment of the mission of the police department.

### Crime Prevention/Community Relations/Accreditation Manager Functions

Personnel assigned as Crime Prevention/Community Relations/Accreditation Manager Officer(s) are responsible for crime detection and apprehension, crime prevention, community relations, problem solving, case follow-up and maintenance of the accreditation process.

### DARE Officer Functions

The DARE Officer is responsible for implementing the Drug Abuse Resistance Education program in schools located within Miami Township and the Milford School District, in the development of a safe and resourceful community, through work with adolescents.

### *Organizational Chart*

The organizational chart reflects the chain of command and the lines of authority and communication within the Department. The organizational chart will be reviewed and updated each time a change in its structure occurs. The organizational chart shall be made accessible to all personnel and posted in a conspicuous place.

**DIRECTIVE 11.2  
UNITY OF COMMAND**

<b>Issue Date: 09/03/2020</b>	<b>By Order of Chief of Police</b>
<b>Rescinds: (Issue 04/23/2020)</b>	<b>CALEA Standards Referenced: 11.2.1</b>
<b>Pages: 2</b>	

**This directive consists of the following sections:**

**[11.2.1 Direct Command, Component](#)**

**POLICY & PROCEDURE**

**[11.2.1 Direct Command, Component](#)**

To avoid confusing employees and to establish accountability, each division is under the direct command of only one supervisor and the personnel therein are under the direct command of only one supervisor.

Chief of Police

Under the general direction of the Township Administrator, the Chief of Police serves as Chief Executive Officer of the Miami Township Police Department and is granted the authority to manage, direct and control the Miami Township Police Department. The Chief of Police supervises the Administrative Assistant, the Patrol Lieutenant, Investigations Lieutenant and Support Services Lieutenant.

Administrative Assistant

The Chief of Police will appoint a civilian Administrative Assistant to perform tasks determined by the Chief of Police and assist with managing the accreditation process. The Administrative Assistant reports directly to the Chief of Police.

Patrol Lieutenant

The Chief of Police will appoint a Patrol Lieutenant to supervise the Patrol Division. The Patrol Lieutenant reports directly to the Chief of Police. The following personnel report directly to the Patrol Lieutenant: Patrol Sergeants and Corporals

### Patrol Sergeants

The Chief of Police will appoint Patrol Sergeants to supervise the day to day activities of officers assigned to patrol functions. The following personnel report directly to Patrol Sergeants.

- Corporals, Patrol Officers and Traffic Safety Unit Officers.

### Corporals

The Patrol Lieutenant will appoint Corporals to supervise the day to day activities of officers assigned to road patrol functions during the absence of the Patrol Sergeant.

### Investigations Lieutenant

The Chief of Police will appoint an Investigations Lieutenant to supervise the Investigations Division. The Investigation Lieutenant reports directly to the Chief of Police. The following personnel report directly to the Investigations Lieutenant: Detectives & Clermont County Narcotics Unit Member, School Resource Officers and Records Personnel.

### Support Services Lieutenant

The Chief of Police will appoint a Support Services Lieutenant to supervise the Support Services Division. The Support Services Lieutenant reports directly to the Chief of Police. The following personnel report directly to the Support Services Lieutenant: Crime Prevention/Community Relations/Accreditation Manager Officer(s), DARE Officer, Facility and Vehicle Maintenance personnel, Police Chaplains and Police Volunteer personnel.

## DIRECTIVE 11.3 AUTHORITY AND RESPONSIBILITY

<b>Issue Date: 04/23/2020</b>	<b>By Order of Chief of Police</b>
<b>Rescinds: (Issue 07/23/2008)</b>	<b>CALEA Standards</b>
<b>Pages: 5</b>	<b>Referenced: 11.3.1, 11.3.2; 11.3.3 &amp; 11.3.4</b>

This directive consists of the following sections:

- [11.3.1 Responsibility / Authority](#)
- [11.3.2 Supervisory Accountability](#)
- [11.3.3 Notify CEO of Incident With Liability](#)
- [11.3.4 Police Action Death Investigations](#)

### **POLICY & PROCEDURE**

At every level within the department, personnel are given authority to make decisions necessary for the effective execution of their responsibilities. The department's delegation of authority will be consistent with the Department's Mission Statement and Organization Values.

#### **[11.3.1 Responsibility / Authority](#)**

Whenever responsibility for a task or function is designated to a particular employee, that employee is authorized to make decisions and take actions that are necessary for the effective execution of those responsibilities. The decisions and actions shall be consistent with the directives, policies and procedures of Miami Township and the Miami Township Police Department. Any employee who is delegated such authority, is responsible and fully accountable for the use of such delegated authority, as well as for the failure to use it, and shall be held accountable for their performance.

#### **[11.3.2 Supervisory Accountability](#)**

Supervisors will be held accountable for the performance of the employees under their immediate supervision. Supervisors may delegate tasks or functions to subordinates but remain responsible and accountable for the accomplishment of those delegated tasks.

#### ***Employee Accountability***

To promote efficiency and responsibility, employees are accountable to only one supervisor at any given time. Each employee can identify one, and only one, supervisor to whom the employee is accountable.

### 11.3.3 Notification CEO of Incident with Liability

The Chief of Police shall be notified of events where there may be a question of agency liability or those events that may result in heightened community interest. Events listed in Directive 41.2.4, Notification Procedures, specify events that automatically require notification of the CEO. Should any event occur that is not listed in Directive 41.2.4 that an employee believes there may be liability or heightened interest, the employee with any doubt should resolve in favor of notification of the Chief of Police via the Chain of Command.

### 11.3.4 Police Action Death Investigations

It is the purpose of this section to provide guidelines for police officers and supervisors in the event of an officer-involved critical incident which results in the death or serious injury of a person. It is important to note that this policy is not designed to provide instruction on the investigation of, or a tactical response to, an officer-involved critical incident.

It is the policy of this department that an officer-involved critical incident, whether on duty or off, be investigated to determine whether the officers' actions conform to current laws, department policy, procedures, rules and training.

The preferred course of action, when a Miami Township Police Officer is involved in a critical incident is to request the incident be investigated by an outside law enforcement agency having legal jurisdiction.

- The Chief of Police may, at his or her discretion, request the assistance of an outside law enforcement entity.
- Miami Township Police Officers, Detectives, and Command Staff Officers will assist, as needed, with the investigation by the outside entity.

An investigation by this department will be initiated in the event a police officer from an outside agency is involved in a critical incident in Miami Township, unless otherwise directed by the Chief of Police. This investigation may run concurrently with a separate investigation conducted by the involved officer's department.

#### **DEFINITIONS:**

Companion Officer - An officer assigned to another officer to provide emotional support and assistance following a critical incident. The assigned officer may be an officer who has had a similar experience, a close friend or both.

Officer Involved Shooting - The discharge of a firearm by any officer while on-duty or off-duty, which results in the death or serious injury of any person.

*Involved Officer* - A sworn officer who, whether on-duty or off-duty, discharges a firearm which results in the death or serious injury of any person.

*Witness Officer* - Refers to personnel, sworn or non-sworn, on-duty or off-duty, who are direct witnesses to an officer involved critical incident, or who were present at the scene of such an event.

#### First-Line Supervisor Scene Responsibilities

- The ranking officer at the scene shall serve as the initial incident commander unless officially relieved.
- Identify any remaining threats and take necessary action.
- Determine the physical condition of the officer(s), suspect(s) and third parties. Provide emergency first-aid if necessary and ensure that emergency medical assistance has been summoned.
- Establish and secure the crime scene(s), protecting evidence and the safety of all persons. (Refer to MTPD Homicide Protocol if applicable; Standard 42.2)
- Gather information individually from the involved officer(s), witness officer(s), covering only information necessary to focus initial police response and to assist with the preliminary investigation. The initial information should cover items such as:
  - Type of force used.
  - Direction and approximate number of shots by officer(s) and suspect(s).
  - Location of injured or deceased person(s).
  - Description of at-large suspect(s), direction of travel, time since the suspect(s) were last seen and weapons they may still have in their possession.
  - Description and location of any known victim(s) or witnesses.
  - Description and location of known evidence.
  - Any other information to ensure public safety and to assist in the apprehension of any at-large suspects.

#### Command Staff Responsibilities

The Patrol Division Supervisor or designee will direct the officer involved care and companion officer responsibilities:

- Ensure notification of the involved officer(s) family, per officer critical incident notification form.
- Ensure contractual notifications are made per Miami Township CBA.
- If the officer(s) are hospitalized, ensure a liaison officer is assigned to the family and the officer.

The Patrol Division Supervisor or designee will ensure continuity of command, maintain communication with the Chief of Police and assist the Chief of Police with media relations.

The Chief of Police or designee will facilitate notification of the incident to the following entities:

- The Clermont County Prosecutors Office.
- The Miami Township Trustees/Miami Township Administrator.

### Reporting

The agency investigating the officer-involved critical incident will coordinate with the Chief of Police and or his/her designee and prepare a final written report as prescribed by their department's protocol.

- An MTPD use of force report will be completed in accordance with MTPD Directive 4.2.1.
- While officers may be asked to provide pertinent information soon after a critical incident to aid the initial investigative process, it is recommended that all written and/or recorded interviews are conducted no sooner than twenty-four hours, preferably thirty-six hours after the incident unless otherwise directed by a medical professional.
- All interviews of involved officers shall be conducted with an officer's legal advisor or union representative present pursuant to the Miami Township CBA.
- The involved officer should anticipate collection of their weapon and uniform if involved in a critical incident which results in the death or serious injury of another.

### Investigative Process

The investigation of officer-involved critical incidents shall be conducted in two separate parts and by separate authorities; a criminal investigation and an administrative investigation. The criminal investigation should be conducted by investigators of an outside agency in conjunction with the administrative investigation. The administrative investigation will be conducted by person or persons designated by the Chief of Police.

### *Criminal Investigation Phase*

The lead investigator or his/her designee shall manage the criminal investigation unless, by interagency agreement, the lead is passed to another investigative authority. Parallel or sequential criminal investigations; one investigation related to state offenses and the other by federal authorities related to offenses under federal law, may be undertaken but is not typical. Upon completion of the criminal investigation, findings shall be submitted to the Chief of Police and the appropriate prosecuting attorney's office.

### *Administrative Investigation Phase*

The administrative investigation will be undertaken by the Patrol/Investigations Supervisors or another investigative body determined by the Chief of Police. This investigation must be kept separate and apart from the criminal investigation. It is intended to determine whether violations of departmental policies, procedures, rules, or training protocols have occurred and, if so, whether disciplinary action should be recommended or modifications to policy, procedure, or training should be considered.

- Criminal investigators will not be present during internal administrative questioning nor may information gained as a result of administrative interviews be shared with criminal investigators.
- Interviews will be audio and videotaped, if possible, to provide evidentiary record of statements.

### *Role of Prosecutor's Office*

As in any other criminal offense, the Prosecutor's Office is responsible for reviewing detailed case information to determine the appropriateness of criminal charges.

### *Public Information Plan*

The Chief of Police or designee will provide basic details of the event during an initial press briefing. If the incident is turned over to another agency for investigation, any subsequent press briefing will be conducted by that agency, unless otherwise requested by that agency and agreed to by all agencies involved.

### *Training for Agency Personnel*

Upon promotion, supervisory personnel will be provided an instruction that covers the entire process for managing an incident involving a police action resulting in death or serious injury. Periodically, all supervisory personnel will participate in training on the process for handling these types of incidents via policy review.

### *Awareness Training for All Personnel*

As part of the annual use of force training, sworn personnel will review the process for both criminal and administrative investigations involving departmental personnel. All other department personnel will be provided an awareness level training brief which documents the process for their knowledge.

**DIRECTIVE 11.4**  
**GENERAL MANAGEMENT AND ADMINISTRATION**

<b>Issue Date: 04/23/2020</b>	<b>By Order of Chief of Police</b>
<b>Rescinds: (Issue 03/11/2019)</b>	<b>CALEA Standards</b>
<b>Pages: 3</b>	<b>Referenced: 11.4.1; 11.4.2; 11.4.3; 11.4.4 &amp; 11.4.5</b>

**This directive consists of the following sections:**

- 11.4.1 Administrative Reporting Program**
- 11.4.2 Accountability For Agency Forms**
- 11.4.3 Accreditation Maintenance**
- 11.4.4 Computer Software Policy**
- 11.4.5 Electronic Data Storage - N/A by Function**

**POLICY & PROCEDURE**

**11.4.1 Administrative Reporting Program**

Miami Township has an administrative reporting system for the timely and reliable collection and distribution of information to be used in decision-making by management personnel and for predicting the needs and directing the resources of the department.

Monthly Report

The monthly report has several components that provide a mechanism to report department activities both within and outside the immediate structure of the department. Significant events and/or statistical information are provided for the following:

- Successes of the Month;
- Calls for Service;
- Criminal Offense Data;
- Traffic Crash & Traffic Enforcement Data;
- Criminal Enforcement Activities;
- Community Relations & Crime Prevention Activities;
- Quality Control & Improvement.

The monthly report is sent to the Township Administrator for distribution.

## Annual Report

The annual report highlights challenges, accomplishments and statistical information of the previous year to summarize progress toward achieving the department's mission and goals. The annual report is sent to the Township Administrator for distribution.

The monthly and annual reports are prepared by the Administrative Assistant and any other person directed by the Chief of Police. Copies of the reports are available to citizens and employees requesting a copy.

## 11.4.2 Agency Forms Accountability

The Accreditation Manager is responsible for forms development, modification, control, review and approval. The Accreditation Manager will ensure that the information captured on department forms is not duplicated and that the forms are reviewed to ensure that all the necessary information is collected.

### Form Development

Any member of the department may request that a new form be implemented that will assist in managing the information and data required to be maintained by the department. Whenever a form is developed, it shall be forwarded to the Accreditation Manager for review then forwarded to the Chief of Police for final approval. If the form is implemented, the training coordinator may cause training to be conducted on the new form.

### Form Modification

Any form requiring modification shall also be submitted to the Accreditation Manager for review and forwarded to the Chief of Police for final approval.

### Form Approval

Prior to form issuance or modification, forms must be approved by the Chief of Police or his designee.

### Form Review

Department forms are reviewed as a part of the review of all Miami Township directives. The forms used in conjunction with the directive under review shall be assessed and modified if necessary, to comply with any changes in the requirements of the directive or to provide for a more efficient collection, distribution or management of such information collected or controlled by the form. The Accreditation Manager conducts this review.

### Form Control

Controlled forms are those forms that generally have a number imprinted on them and/or may be the subject of an audit. Controlled forms include but are not limited to traffic

citations, warning citations, misdemeanor and minor misdemeanor citations. These forms are under the control of records personnel and require a signature for issuance.

Forms that are not pre-numbered and are used by the department to conduct business both within and outside of the department do not require a signature for issuance.

#### **11.4.3 Accreditation Maintenance**

The Accreditation Manager reviews CALEA Appendix E ‘List of Time Sensitive Activities’ quarterly in order to ensure that periodic reports, reviews and other activities mandated by applicable accreditation standards are accomplished.

All reports, reviews and documented activities mandated by accreditation standards shall be submitted to the Accreditation Manager and copied to the supervisor of the person creating the report. Reports are due as directed by department policy. The Accreditation Manager shall review the submitted report and forward it to the Chief of Police for final approval. Upon the Chief of Police approval, the Accreditation Manager shall be responsible for causing the distribution to all appropriate personnel.

The Accreditation Manager will assist and train, if necessary, those employees that are responsible for the generation of reports/reviews/activities.

#### **11.4.4 Computer Software Policy**

The introduction of external data or software from non-secure sources could result in a corruption of the Miami Township computer system.

All installed software must be registered and licensed to the Township. License information and the original media must be stored with the Multi-Media Coordinator. It is permissible to make a single copy of any Township software for reference or back-up purposes. There will be no downloading or installing of any external data or software that is not used for Township business. The communication system shall not be used to knowingly send, upload, or receive any unauthorized copyrighted materials, including, but not limited to, trade secrets, proprietary financial information, or similar materials without appropriate authorization of the Township Administrator or their designee.

#### **11.4.5 Electronic Data Storage – N/A By Function**

Miami Township Police Department does not participate in Electronic Data Storage.

## **DIRECTIVE 11.5 TEMPORARY/ROTATING ASSIGNMENTS**

<b>Issue Date: 11/27/2019</b>	<b>By Order of Chief of Police</b>
<b>Rescinds: (Issue: 11/27/2019) Pages: 3</b>	<b>CALEA Standards Referenced: 11.5.1</b>

**This directive consists of the following sections:**

### **11.5.1 Rotating Assignments**

#### **POLICY & PROCEDURE**

The delivery of efficient and effective services requires that the Miami Township Police Department have enough officers and/or employees trained and experienced in a variety of specialized duties to successfully accomplish our mission. A system of rotation shall be utilized for specialized assignments that are identified in 11.5.1.

### **11.5.1 Rotating Assignments**

This system shall apply to officers within the specialized assignment on a tenured basis according to assignment date. The following objectives may be met with the rotation system:

- Development of officers resulting in a broadened base of experience and skill;
- Career growth by providing opportunities to develop technical skills;
- Increase departmental understanding of various aspects of all divisions of police service;
- Creation of patrol officers with a wide breadth of experience.

Specialized assignments available and the duration of assignment from appointment date:

- Patrol Corporal – 5 to 7 Years
- Detective – 5 Years
- DARE Officer – 8 Years
- Crime Prevention/Community Relations/Accreditation Officer – 5 to 8 Years
- Crime Scene Technician – 8 Years
- Narcotics Task Force Officer – 4 Years
- School Resource Officer – 5 Years

The following rules and exceptions apply to the rotation of specialized assignments.

- All rotations are to take place in January except for school related assignments, which will take place based on the annual school calendar.
- All assignments will be eligible for a full-term reassignment if no viable candidate exists.
- The duration of assignment may be extended in one-year increments to meet organizational exigencies.
- Officers requesting removal from an assignment must show enough reason through the chain of command to the Chief of Police for such removal. If removal from a position is granted and no viable candidate exists, a replacement shall be named by the Chief of Police or his/her designee.
- The Chief of Police or designee may determine that any promotions, retirements, required training, etc. which occurred during the year may obviate the need for an additional rotation to take place at the end of the year.
- Previous experience may be a consideration for reassignment to a rotational assignment.
- Officers who do not perform at an acceptable level in a specialized assignment may be removed prior to the duration stated in this policy. Replacement to the position shall be based on rank order previously established by the selection committee.
- Personnel whose assignment requires extensive training (Crime Scene Technician, DARE) are expected to remain in the assignment a minimum of 5 years.
- An officer may apply for a position in any other rotational assignment after rotating out of another.

### **Specialized Assignment Review**

Miami Township will conduct a documented annual review of all specialized assignments for the purpose of determining the value and overall cost versus benefit to the operation of the agency to continue the assignment. The review shall justify or negate the continued existence or addition of additional personnel to the assignments. The review shall consist of:

- A listing of all specialized assignments;
- A statement of purpose for each specialized assignment;
- The evaluation of the initial problem or condition that required the implementation of the specialized assignment.

### **Specialized Assignment Selection Process**

Anticipated specialized assignment openings for positions listed in 11.5.1 shall be advertised by written announcement by the Chief of Police or his/her designee. The announcement shall state the position available, the skills, knowledge and abilities

necessary and indicate any other special requirements of the position. Any position requiring evaluation beyond the scope of an oral interview shall be explained in detail on the position announcement.

Interested personnel shall submit a letter of interest and a resume via their chain of command, expressing their interest and relevant qualifications to the supervisor responsible for the specialized assignment.

- A minimum of 14 calendar days shall be allotted for the submission of the letter of intent and resume after the initial publication of a position vacancy.
- These letters shall remain active until the next formal announcement publicizing an opening, at which time new letters of interest and resumes shall be solicited and reviewed.
- Upon the announcement of a new opening, all letters received from a prior announcement shall become obsolete.
- All qualified personnel applying shall be afforded an interview by a group of at least three persons designated by the Chief of Police or his/her designee.

The selection of personnel for a specialized assignment shall be based upon specific criteria:

- Skills, knowledge and abilities required for the specialty.
- Previous performance ratings and overall evaluation ratings.
- Formal education requirements, if any.
- Length of experience required, if any.
- Use of sick leave in excess of the department threshold may be used to evaluate a candidate's suitability for specialized assignments since such assignments are not subject to minimum staffing and excessive absenteeism can adversely impact operational effectiveness.
- Applicants must have successfully completed probation and have no less than three years of police service before being appointed to a specialized assignment.

The Chief of Police shall make all appointments to specialized assignments, based on the posted criteria and the selection process established.

## **DIRECTIVE 12.1 DIRECTION**

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

**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.

## DIRECTIVE 12.2 WRITTEN DIRECTIVES

<b>Issue Date: 09/01/2020</b>	<b>By Order of Chief of Police</b>
<b>Rescinds: (Issue 04/06/2020)</b>	<b>CALEA Standards</b>
<b>Pages: 5</b>	<b>Referenced: 12.2.1 &amp; 12.2.2</b>

**This directive consists of the following sections:**

- [12.2.1 Written Directive System](#)
- [12.2.2 Dissemination and Storage](#)

### **POLICY & PROCEDURE**

Miami Township Police Department utilizes a formal Written Directive System that provides employees with a clear understanding of the constraints and expectations relating to the performance of their duties. After initial issuance, directives will be reviewed at least annually to determine whether or not they will be cancelled, revised or continued in their present form. The Written Directive System provides rapid access to individual directives, policies, procedures, rules and regulations by a computerized and/or manual system.

Written Directives define how the organization is arranged and directed, so that the department may obtain an efficient and effective delivery of services to the community and to accomplish stated goals and achieve its overall mission and values statement.

### **12.2.1 Written Directive System**

#### **Agency Mission Statement**

The mission of the Miami Township Police Department is to continually improve the delivery of unparalleled services, foster effective partnerships, and in turn preserve the quality of life residents have come to enjoy.

#### **Core Values**

**Commitment** to serve the citizens of Miami Township as we would want to be served while advancing partnerships and open lines of communication inside and outside of Miami Township.

**Integrity** - Consistent uncompromised honest behavior with high moral character.

**Accountability** - Responsibility for our actions or inactions that influence the community and those around us, while effectively and efficiently utilizing Township resources.

#### *Authority of Chief Executive Officer*

No written directive shall be issued until approved by the Chief of Police. The Chief of Police may cancel, delete, revise or amend any directive of the department. The Chief of Police may issue or initiate any new or additional directives whenever the Chief deems such action necessary.

Should a change occur with the Chief Executive Officer position, it is important to ensure policies remain relevant and contemporary. This should be accomplished without disruption to services provided by the agency and with a bridging document. This bridging document indicates until otherwise amended or remanded, all policies of the organization remain in effect.

#### *Directives*

Directives are issued for the purpose of governing Department personnel and functions. These written directives serve to establish the Department policies, procedures, rules and regulations. Directives document the 'General Orders' of the department and address both administrative and operational areas of the department. The following are proper subject matters for directives:

- Institution of permanent procedures, policies, rules and regulations.
- Permanent changes in the organization.
- Permanent personnel policies and procedures including recruiting, selection, training and promotional policies.
- Use of funds, facilities and equipment.
- Relationships within the agency, with other agencies and citizens.

#### *Special Orders*

Special Orders are issued for the purpose of instructing or directing personnel about a particular circumstance or event. Special orders may be directed at specific personnel or components within the department. These orders are temporary in nature and are automatically canceled when the objective has been achieved. The following are examples of proper subject matters for Special Orders:

- Specific instructions to accomplish a particular objective, once accomplished there will be no need for continuing instructions.
- Temporary orders designed to cover a special occurrence that is of a temporary nature such as parade or records destruction.
- Orders to a specific unit or units that do not influence the operations of others and for which no organizational change is needed.

### *Personnel Orders*

Personnel orders are issued to make notification to the department of changes in personnel assignments. These orders shall be used to announce promotions, transfers and assignments.

The Chief of Police or his/her designee issues special orders and personnel orders.

### *Written Directive System Format*

#### Directives

Directives may contain statements of policies, procedures, definitions, general and specific guidelines or rules and regulations as component parts. Directives are issued in outline form and include directive number, directive topic, issue date, revised issue date, CALEA standards referenced and total pages.

#### Special & Personnel Orders

Special and personnel orders will consist of a title of 'Special Order' or 'Personnel Order' and include the topic, number and effective date.

### *Indexing, Purging and Revising Directives*

#### Directives - Indexing

All directives will be maintained by the Accreditation Manager. Directives on the police computer system and the mobile data computers are indexed by directive number and title.

#### Special & Personnel Orders - Indexing

Special and personnel orders will be maintained by the Accreditation Manager. These orders will be maintained in PowerDMS.

#### Directives - Purging

Directives shall remain in effect until the Chief of Police issues an official replacement. The Accreditation Manager shall remove the purged directives and maintain those records in accordance with the Miami Township Records Retention and Disposition Schedule.

#### Special & Personnel Orders - Purging

Special orders are automatically purged whenever the circumstance or event occurs that was the subject matter of the Special Order.

Personnel orders will remain in effect until they are rescinded by order of the Chief of Police.

The Accreditation Manager shall remove the purged orders and maintain those records in accordance with the Miami Township Records Retention and Disposition Schedule.

#### Directives - Revision

Directives may be revised to reflect changes necessary to accomplish the objectives of the department. Revised directives shall have a revised issue date. The Accreditation Manager shall make all required revisions to directives and the revised directive shall be issued by order of the Chief of Police. The Accreditation Manager shall archive any directives replaced by the revised directive and maintain those records in accordance with the Miami Township Records Retention and Disposition Schedule.

Any employee of the department may initiate a review for possible revision of a directive by submitting a request for review to the Accreditation Manager. The request for review must include the reason for the requested revision and a suggestion for modification.

#### Special & Personnel Orders - Revision

Special orders and Personnel orders are not revised and any changes will be made by issuance of a new order.

#### *Authority and Applicability of Directives*

Directives are issued for the purpose of governing Department personnel and functions. These written directives serve to establish the Department policies, procedures, rules, and regulations and are to be considered as guidelines for carrying out departmental activities. Directives are generally mandatory when the terms "shall", "will" and "must" are used in the directive. Directives are generally advisory when the terms "may", "can" or "should" are used in the directive. Latitude for deviation from a directive by an officer is permitted whenever any of the following apply:

- Circumstances in a particular incident are such that common sense dictates a deviation from the directive. Whenever this deviation occurs an officer must be prepared to offer reasons that would lead most supervisory officers in the department to believe that adherence to directive in that instance would have been detrimental to the effective delivery of police work.
- When specifically ordered by a supervisor to handle a situation differently than as specified by department directive. In the event an officer has a question as to the decision to violate department directive, the officer should follow the order and then seek clarification for the deviation from directive through the chain of command.
- Whenever a procedure conflicts with federal law, state law or township ordinance, the applicable law or township ordinance will supersede departmental directive. If

a discrepancy should arise, the officer handling the incident will document the conflict in writing and forward it through the chain of command to the Chief of Police as soon after the event as possible.

Each employee shall become thoroughly familiar with departmental directives and shall not deviate from the directives except under circumstances as listed above. Violation of mandatory provisions of directives may be processed as a disciplinary action under the rules and regulations of the department. If an officer claims an exception under the circumstances listed above, the Chief of Police will appoint a panel of supervisors to review the incident and make a report with their findings and recommendations.

### *Directive Review System*

The Chief of Police shall review all new or revised directives before their general distribution. A draft copy of a new or revised directive that affects a specific group of officers (TSU, SRO) may be sent to the individuals or groups responsible for its implementation for comments before general distribution.

## **12.2.2 Dissemination & Storage of Directives & Orders**

### Directives

Upon issuance, the Accreditation Manager shall announce all new and revised directives via PowerDMS to all police personnel. All personnel will be advised of the required receipt and review date. The mandatory receipt and review will be accomplished via signoff by each employee. It is the responsibility of police supervisors to ensure their personnel complete the required sign off.

The department maintains a computerized copy of all Directives accessible to all personnel.

### Special Orders

Upon issuance, Special Orders will be sent via email or by placement on the police computer system assessible to all personnel.

The Accreditation Manager shall place a copy of the special order in the manual of Special Orders in his/her office.

### Personnel Orders

Upon issuance, Personnel Orders will be sent via email or by placement on the police computer system accessible to all personnel.

The Accreditation Manager shall place a copy of the personnel order in the manual of Personnel Orders in his/her office.

**DIRECTIVE 15.1  
PLANNING AND RESEARCH**

<b>Issue Date: 09/03/2020</b>	<b>By Order of Chief of Police</b>
<b>Rescinds: (Issue 04/23/2020)</b>	<b>CALEA Standards</b>
<b>Pages: 3</b>	<b>Referenced: 15.1.1; 15.1.2, 15.1.3 &amp; 15.4</b>

**This directive consists of the following sections:**

- 15.1.1 Activities of Planning and Research**
- 15.1.2 Organizational Placement / Planning and Research**
- 15.1.3 Multi-Year Plan**
- 15.1.4 Succession Planning**

**POLICY & PROCEDURE**

Planning and research activities are essential to effective management of the Miami Township Police Department. Overall planning responsibility for the department shall be the responsibility of the Chief of Police. All elements of the police department shall contribute to the overall planning function.

**15.1.1 Activities of Planning & Research**

Coordination of functions related to planning and research shall be the responsibility of the Chief of Police. Specific planning responsibilities may be assigned to the Administrative Assistant as determined by the Chief of Police.

The following specific planning responsibilities shall be assigned to the Chief of Police:

- Research & Strategic Planning
- Fiscal Management
- Internal Investigations
- Public Information

The following specific planning responsibilities shall be assigned to the Administrative Assistant:

- Budget Management

The following specific planning responsibilities shall be assigned to the Division Commanders as determined by the Chief of Police:

- Patrol Operations
- Criminal Investigations
- Crime Analysis
- Emergency & Contingency Plans
- Civil Disturbances
- Special Operations
- Unusual Occurrences
- Community Relations/Crime Prevention Operations
- Juvenile Operations
- Volunteer Operations
- Property & Equipment Management
- Facility & Fleet Management
- Recruitment and Selection
- Training and Career Development

### **15.1.2 Organizational Placement of Planning & Research**

Personnel assigned to planning and research functions shall have direct access to informational sources necessary to review and formulate plans and programs for bringing about desirable future conditions for the Miami Township Police Department.

Personnel assigned to planning and research functions shall have direct access to the Chief of Police as necessary to conduct such functions and provide programmatic recommendations.

### **15.1.3 Agency Multi-Year Plan**

The department may, at the direction of the Chief of Police, develop a five-year plan that will be used to anticipate future goals, needs and problems as well as provide a framework to address these items. This plan shall provide the department with guidance so that current management decisions can be made to provide the most desirable outcome for the department, as well as providing efficient and effective service to the community.

The five-year plan shall include the following within its framework:

- Development of goals and operational objectives based in part on administrative needs and forecasts, including a plan for achieving them. Input may be solicited from all employees in the same manner as for the annual goals and objectives.
- Anticipated population trends and economic development in Miami Township and other demographic data, which may have an impact on workload requirements.
- Anticipated personnel levels using budget projections, service demands and manpower studies.

- Projections for capital improvements and equipment needs based on legislative requirements, depreciation of existing equipment and improvements in the quality and level of service provided to the public.
- Updating of the five-year plan will be on an as needed basis, but no less than once every four years.

#### **15.1.4 Succession Planning**

The department sees the value of having a succession plan to provide continuity in leadership and avoid extended and costly vacancies and provides opportunities for individuals through education, training, mentoring and specialty assignments.

The department will maintain a Succession Plan and review it annually.

## **DIRECTIVE 15.2 GOALS AND OBJECTIVES**

<b>Issue Date: 04/23/2020</b>	<b>By Order of Chief of Police</b>
<b>Rescinds: (Issue 09/02/2015)</b>	<b>CALEA Standards Referenced: 15.2.1 &amp; 15.2.2</b>
<b>Pages: 2</b>	

**This directive consists of the following sections:**

[\*\*15.2.1 Annual Updating / Goals and Objectives\*\*](#)

[\*\*15.2.2 System For Evaluation / Goals and Objectives\*\*](#)

### **POLICY & PROCEDURE**

To ensure the direction, unity of purpose and to provide for measurement in the attainment of its mission statement, the Miami Township Police Department will formulate written goals and objectives to guide the agency and its organizational components. These goals and objectives are derived from the agency Strategic Plan.

#### **Mission Statement**

The mission of the Miami Township Police Department is to continually improve the delivery of unparalleled services, foster effective partnerships, and in turn preserve the quality of life residents have come to enjoy.

#### **15.2.1 Annual Updating / Goals and Objectives**

Goals and objectives for the agency are based on the agency Strategic Plan and will be updated annually.

It is important for all employees to have an opportunity to offer input in formulating the goals and objectives of the department. The Chief of Police 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 received will be reviewed and forwarded to the office of the Chief of Police, with any appropriate comments or suggestions. The Police Command Staff shall review all comments and suggestions for their merit.

Prior to January of each year, a memorandum 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 a conspicuous place in the lobby and on the department Informational Bulletin Board in the employee break room.

### **15.2.2 System For Evaluation / Goals and Objectives**

Supervisors shall keep the Chief of Police informed of the progress made in attaining goals and objectives established for their areas of responsibility through staff meetings, oral summaries or by written reports when requested.

**DIRECTIVE 17.1  
FISCAL MANAGEMENT**

<b>Issue Date: 04/24/2020</b>	<b>By Order of Chief of Police</b>
<b>Rescinds: (Issue 07/23/2008)</b>	<b>CALEA Standards Referenced: 17.1.1</b>
<b>Pages: 1</b>	

**This directive consists of the following sections:**

**[17.1.1 CEO Authority and Responsibility](#)**

**POLICY & PROCEDURE**

The department values the responsibility and accountability entrusted to it by the community for the fiscal functions and activities. The Miami Township Police Department will be responsible for and held accountable for the provision of police services to the community in the most cost effective and efficient manner.

**[17.1.1 CEO Authority and Responsibility](#)**

The Chief of Police shall be vested with the responsibility, authority and accountability for the department's fiscal management. The Chief of Police shall be responsible to supervise and approve budget recommendations and purchase requests.

## DIRECTIVE 17.2 BUDGET

<b>Issue Date: 04/24/2020</b>	<b>By Order of Chief of Police</b>
<b>Rescinds: (Issue 07/29/2015)</b>	<b>CALEA Standards Referenced: 17.2.1 &amp; 17.2.2</b>
<b>Pages: 1</b>	

**This directive consists of the following sections:**

**[17.2.1 Budget Process and Responsibility Described](#)**

**[17.2.2 Functional Recommendations to Budget](#)**

### **POLICY & PROCEDURE**

The Chief of Police is designated as having the authority and responsibility for the Miami Township Police Department budget preparation and submission. The budget shall be developed in cooperation with all major organizational components.

#### **[17.2.1 Budget Process and Responsibility Described](#)**

Annually, the Chief of Police shall submit a budget request to the Township Administrator for the police department.

The Chief of Police shall give notice to all persons required to submit budget requests and costs. Persons submitting budget requests and costs to the Chief of Police shall do so by the required date.

Any member of the department may submit items for consideration in the budget; these requests shall be made to their immediate supervisor and forwarded through the chain of command.

The Chief of Police shall then prepare a budget request for the department utilizing the budget requests and costs submitted and approved by the Chief of Police and forward the department's budget request to the Township Administrator.

#### **[17.2.2 Functional Recommendations to Budget](#)**

Any person required to submit budget requests and costs shall be responsible for preparing their budget requests and costs based on the functional goals and objectives for their areas of responsibility. These personnel will be accountable for their portion of the departments approved budget.

## DIRECTIVE 17.3 PURCHASING

<b>Issue Date: 04/24/2020</b>	<b>By Order of Chief of Police</b>
<b>Rescinds: (Issue 06/26/2018)</b>	<b>CALEA Standards Referenced: 17.3.1</b>
<b>Pages: 3</b>	

**This directive consists of the following sections:**

### **[17.3.1 Requisition and Purchasing Procedures](#)**

#### **POLICY & PROCEDURE**

The department shall make purchases within the guidelines set forth by the Board of Trustees as governed by state law. Each expenditure by the Miami Township Police Department of police district funds shall be through a numbered purchase order.

The Chief of Police shall designate an employee with the Fiscal Management responsibilities of the department. It shall be the responsibility of the designee to obtain the best quality, price and service for items purchased by the Miami Township Police Department. The designee will be responsible for developing specifications for items requiring standardized purchase or which may be subject to bid.

### **[17.3.1 Requisition and Purchasing Procedures](#)**

#### **[Standardized Purchases](#)**

Purchase requests shall be submitted to the Fiscal Management designee via email. Purchase requests shall contain a complete description of the item or service to be acquired and the unit price. Should a new vendor be requested, the vendor's name, address, telephone number and contact person must be included in the purchase request.

The designee shall be responsible for the management and control of all department purchases and purchase order processing. The Chief of Police has final authority, subject to the Board of Trustees for approval of department purchases.

Upon submission of a purchase request, the designee shall verify the budget appropriation for the purchase and select a vendor for the purchase.

Should no budget appropriation have been made for a requested purchase, the Chief of Police or designee shall inform the person making the purchase request if funds from the appropriate fund are or not available.

The designee shall submit a purchase order electronically in the financial accounting system for approval. Upon approval by the Chief of Police, the purchase order is forwarded to the Township Fiscal Officer and Township Administrator for final approval. The Township Administrator may approve purchase orders up to \$2500.00. Purchase orders greater than \$2500.00 also require the approval of a majority of the Township Trustees.

Upon approval of the purchase order, the designee will either order the purchase of the item or service requisitioned or make notification to the requestor to proceed with the purchase or requisition. Unless directed by the Chief of Police or designee, no other employee shall place an order for any item or service.

Upon verification of the purchase, the designee shall enter the invoice information in the financial accounting system authorizing payment and submit the invoice to the Township Fiscal Office for processing.

### *Bidding Procedures*

Bidding procedures for bidders shall be handled by the Miami Township Fiscal Office, pursuant to Township policy and the requirements of the Ohio Revised Code, Section 9.312. The Chief of Police shall recommend the most appropriate vendor on bid items to the Board of Trustees.

### *Selection of Vendors and Bidders*

Criteria for the selection of vendors and bidders shall be selected based on the listed criteria.

- Past performance, reputation and references;
- Cost of the items and or services to be provided;
- Quality of the items and or services to be provided;
- Availability of delivery time.

### *Emergency Purchases*

In the case of an exigent operational need, items/services may be purchased without an approved purchase order with the permission of the Chief of Police or designee. Upon approval of an emergency purchase, the designee shall enter a purchase order request.

Should the exigent purchase be made on an established blanket purchase order, an additional purchase order request shall not be needed unless the purchase amount exceeds the remaining balance on the existing purchase order.

*Emergency Appropriations/Fund Transfer of Operating Funds*

In the event additional funds are needed for the operation of the police department, the Chief of Police will discuss with the Township Administrator and Fiscal Officer the facts outlining and supporting the request for supplemental appropriations or transfer of operating funds in the police budget. It will then be decided whether a request for supplemental appropriation or fund transfer is required.

The approval for such funding shall be upon approval of the Board of Trustees with such funds coming from a transfer of funds from one fund to another or by additional funding supplied by the Township. Such fund transfers shall be in compliance with applicable state law.

## DIRECTIVE 17.4 ACCOUNTING

<b>Issue Date: 04/24/2020</b>	<b>By Order of Chief of Police</b>
<b>Rescinds: (Issue 07/26/2018)</b>	<b>CALEA Standards</b>
<b>Pages: 3</b>	<b>Referenced: 17.4.1; 17.4.2 &amp; 17.4.3</b>

This directive consists of the following sections:

[17.4.1 Accounting System](#)

[17.4.2 Cash Fund / Accounts Maintenance](#)

[17.4.3 Independent Audit](#)

### **POLICY & PROCEDURE**

#### **17.4.1 Accounting System**

The Miami Township Fiscal Office shall maintain a computerized department accounting system for the purpose of monitoring the department budget and tracking department expenditures. The actual accounts are maintained by the Township Fiscal Officer who is responsible for the disbursement of funds upon approval as requested.

The department accounting system shall provide for the account status by the following:

- Account number and initial appropriations for each account or program;
- Year-to-date expenditures from each account;
- Balances at the commencement of the monthly period for each account;
- Expenditures and encumbrances from each account made during the previous month;
- Outstanding encumbrances;
- The unencumbered balance of each account.

The Fiscal Office shall supply the department a monthly fund balance report to include account status of all police funds.

#### **17.4.2 Cash Fund/Accounts Management**

The Miami Township Police Department does not receive cash for any services provided.

## Special Investigative Funds

The Miami Township Police Department does maintain a Special Investigative Fund. Distribution of Special Investigative Funds may only be made with the approval of the Chief of Police or the Special Investigation Funds Agent and then only in accordance with the following criteria:

- The information from an informant has a direct bearing on the seizure of illicit drugs and or controlled substances or the seizure of stolen property.
- Information from an informant leads directly to the apprehension of a fugitive or persons being sought by this or any other department.
- The information to be obtained has a direct bearing on the arrest and or prosecution of a felony or misdemeanor case or information that leads to an arrest or prosecution which clears multiple criminal acts.
- To help fund and conceal the identity of undercover officers during covert operations.

The Special Investigations Fund Agent shall maintain SIF monies not to exceed three thousand dollars (\$3,000.00). The department account shall be restored to the maximum amount whenever the department account is reduced to five hundred dollars (\$500.00) or less.

The Chief of Police shall requisition additional monies from the Township Fiscal Office as needed to maintain the department account, upon advisement by the Special Investigations Fund Agent of the need to restore the account to its authorized level.

### Special Investigative Funds Ledger

The Special Investigations Fund Agent shall maintain the departmental records and receipts for all departmental transactions involving SIF monies. An account ledger shall be maintained showing the initial balance, credits, debits and the cash amount on hand.

### Receipts/Documentation for Cash Received

The Special Investigations Fund Agent or their designee is authorized to receive monies into the department SIF account. An entry shall be made into the accounting ledger and a receipt issued upon receiving monies into the fund from any source.

### Authorization for Cash Disbursement

Disbursement for investigative purposes shall only be made by the Special Investigations Fund Agent or their designee. Disbursements in an amount of one thousand dollars (\$1,000.00) or more require approval of the Chief of Police.

### *Receipts/Documentation for Cash Disbursements*

The Officer receiving monies from the Special Investigative Agent or their designee shall obtain a receipt upon receiving such monies. An entry will be made by the Special Investigations Agent into the accounting ledger of the disbursement transaction. The accounting ledger shall contain the date of the disbursement, the reason for the disbursement, the amount of the disbursement and department case number of the offense for which the monies are being used (if applicable). Disbursements to confidential informants shall include the informants Department Confidential Informant Registry Number.

Should the monies be used for multiple purchases of drugs or articles, a voucher completed by the officer making the purchase shall be made of each individual disbursement from the original total amount. The voucher shall be returned to the Special Investigative Agent or their designee and an entry of the transaction made into the fund accounting ledger.

Should the officer be using the monies for payment to a confidential informant, the officer shall complete a voucher and have the confidential informant place an inked impression of their right thumb on the face of the receipt.

Payment to persons other than the registered confidential informants require the person to which payment is made to provide the officer making such payment with a social security number which shall be verified by the officer prior to payment of any monies. All such transactions require the payment to be witnessed by one additional officer who shall also sign the voucher.

### *Quarterly Accounting of Special Investigative Fund*

The Township Fiscal Officer or a person designated by the Township Fiscal Officer shall audit the Special Investigative Fund quarterly and a written report shall be submitted to the Chief of Police.

### **17.4.3 Independent Audit**

The Board of Trustees may, when deemed necessary provide for an audit of all or any part of department funds by a certified public accountant.

The Auditor of the State of Ohio shall in accordance with Ohio Revised Code 117.11 conduct an independent audit at least once every two fiscal years.

# DIRECTIVE 17.5 AGENCY PROPERTY

<b>Issue Date: 04/24/2020</b>	<b>By Order of Chief of Police</b>
<b>Rescinds: (Issue 07/29/2015)</b>	<b>CALEA Standards</b>
<b>Pages: 3</b>	<b>Referenced: 17.5.1 &amp; 17.5.2</b>

**This directive consists of the following sections:**

- 17.5.1 Inventory and Control of Agency Property**
- 17.5.2 Operational Readiness**

## **POLICY & PROCEDURE**

Miami Township Police Department has a responsibility to ensure that department owned property and equipment is properly inventoried, issued and or reissued and in a state of operational readiness. This directive is a means to govern agency owned property, by providing for the accounting, control and maintenance of such property.

### **17.5.1 Inventory and Control of Agency Property**

The department shall inventory all items valued at one thousand and five hundred dollars (\$1,500.00) or more. A computerized master list of such agency property shall be maintained by the Support Services Supervisor.

The following information shall be maintained on each item (if applicable):

- Description of item;
- Miami Township Inventory Control tag;
- Serial or model number of item;
- Location or assignment of item;
- Date acquired;
- Manufacturer of such item.

An inventory control tag shall be affixed to property valued at one thousand and five hundred dollars (\$1,500.00) or more upon receipt to the department when the construction of such item will reasonably accommodate the control tag.

The Support Services Supervisor or his/her designee shall be responsible to receive, inspect, affix an inventory control tag to and enter the item into the departments computerized inventory list.

No less than triennially, the Support Services Supervisor shall have an inventory conducted of all agency property. Should discrepancies be uncovered, the Support Services Supervisor shall prepare a report to the Chief of Police and have the computerized inventory updated.

#### *Issuance/Reissuance of Agency Property*

Property owned by the Miami Township Police Department which may be assigned to department personnel shall be accounted for by a Sergeant designated by the Chief of Police. The officer receiving such property shall sign out such property and shall be held accountable for all such property signed for. Information pertaining to such issued equipment shall be maintained by the designated Sergeant.

Officers receiving replacement personal uniform or equipment items may be required to return to the designated Sergeant the uniform and equipment items for which replacement items are being issued.

The Sergeant designated by the Chief of Police shall ensure that all property issued to an employee is returned upon the discontinuation of employment with the department.

Equipment which may be loaned to other township departments or other government agencies shall require the approval of the Chief of Police and must be signed out/signed in.

#### **17.5.2 Operational Readiness**

All property that is stored and not issued will be maintained in a constant state of operational readiness. A designated Sergeant will be responsible for maintaining the operational readiness of such property. The designated Sergeant will be responsible to inspect such property as needed but no less than quarterly, to assure each item's operational readiness.

Supervisors are responsible to ensure that property being used within their areas of responsibility is in a constant state of readiness. This shall be completed via observation and/or scheduled inspections of personnel, equipment, facility, etc.

Department personnel are responsible to ensure that all property issued to them for which they are personally responsible for is in a constant state of readiness; this includes individually issued items as well as vehicles.

Problems regarding the condition or maintenance of agency owned property will be directed to the Supervisor of the employee discovering the problem. The Supervisor shall take suitable action to correct the inappropriate condition or maintenance of such property. This includes agency owned property which has become inoperable/unusable. Any officer finding property that has become inoperable/unusable as the result of abuse,

negligence or improper care shall forward a memo to their immediate supervisor who shall forward the memo through the chain of command to the Chief of Police.

A constant state of readiness includes the proper storage (if applicable), care, cleaning, preventive maintenance, maintenance, repair, workability and responsiveness of an item.

# DIRECTIVE 21.1 TASK ANALYSIS

<b>Issue Date: 04/27/2020</b>	<b>By Order of Chief of Police</b>
<b>Rescinds: (Issue 07/14/2015) Pages: 1</b>	<b>CALEA Standards Referenced: 21.1.1</b>

**This directive consists of the following sections:**

## **[21.1.1 Task Analysis](#)**

### **POLICY AND PROCEDURE:**

#### **[21.1.1 Task Analysis](#)**

The Miami Township Police Department provides a written task analysis for every class of full-time employee in the agency. Additionally, a written task analysis is provided for the assignments of Detective, Narcotics Investigator, Crime Prevention/Community Relations, School Resource/DARE Officer and Traffic Officers.

The task analysis sets forth the responsibilities and duties of individual positions and provides guidance to employees and supervisors in understanding what is expected of each employee. The task analysis cannot be seen as all encompassing. Employees may in the course of providing effective police service be expected to perform tasks or assume responsibilities not set forth in the written task analysis. These exceptions may be dictated by the circumstances of a particular incident or may be assigned by a superior.

Task analysis also set forth the minimum qualification requirements for recruitment, selection, appointment and promotion and serves as a basis for the determination of a position classification plan.

Each task analysis will include:

- Work Behaviors: Duties, responsibilities, functions and tasks of each position;
- The approximate frequency with which the work behavior occurs;
- How critical the work behaviors are, and
- The job related skills, knowledge and abilities needed to perform the work behaviors effectively.

The task analysis will be updated when significant changes occur in any position, department functions and organizational strategies.

## DIRECTIVE 21.2 CLASSIFICATION

<b>Issue Date: 09/04/2020</b>	<b>By Order of Chief of Police</b>
<b>Rescinds: (Issue 04/27/2020)</b>	<b>CALEA Standards</b>
<b>Pages: 3</b>	<b>Referenced: 21.2.1; 21.2.2; 21.2.3 &amp; 21.2.4</b>

**This directive consists of the following sections:**

- 21.2.1 Classification Plan**
- 21.2.2 Job Descriptions, Maintenance and Availability**
- 21.2.3 Position Management System**
- 21.2.4 Workload Assessment**

### **POLICY AND PROCEDURE:**

#### **21.2.1 Written Classification Plan**

Classification involves describing the different kinds of work performed in an agency and consolidating similar jobs into classes based upon similarity of duties and responsibilities. A structured classification plan allows the Miami Township Police Department to achieve more efficient administration and ensure more equitable treatment of its personnel. Each department member is designated as falling into a specific rank or position. The employee's specific classification is based upon an assessment of his or her duties, responsibilities and qualification as compared to the job description.

Every position/job title in the Miami Township Police Department is assigned a Classification of Sworn or Non-Sworn, Full-Time or Part-Time.

The following positions/job titles are Classified as Sworn, Full-Time, Part-Time or Volunteer.

- Chief of Police
- Lieutenant
- Sergeant
- Corporal
- Police Officer

Sworn members compensation for the class specifications of Chief of Police and Lieutenant are paid in accordance with adopted Personnel Resolutions set by the Board of Trustees based on duties, responsibilities and qualifications. Sworn members compensation for the positions of Sergeant and Police Officer are paid in accordance with the salary and wage schedule adopted by the Miami Township Trustees through the Collective Bargaining Agreement.

The following positions/job titles are Classified as Non-Sworn, Full-Time or Part-Time as indicated on the Job Description.

- Administrative Assistant
- Police Records Clerk

Non-Sworn members compensation are paid in accordance with adopted Personnel Resolutions set by the Board of Trustees based on duties, responsibilities and qualifications.

Employees may be reclassified (promoted or demoted) in accordance with the Fraternal Order of Police Bargaining Agreements, Miami Township Personnel Policies & Procedures and applicable Miami Township Police Directives. The final decision of reclassification for all personnel rests with the Miami Township Board of Trustees.

### **21.2.2 Job Descriptions, Maintenance & Availability**

The Miami Township Police Department shall maintain job descriptions covering all employees regardless of Full-Time, Part-Time or Volunteer status. Job descriptions shall be available via Power DMS for any person desiring to review a job description.

It is the responsibility of the Chief of Police or his/her designee to ensure that a job description is developed anytime a new position, rank or permanent assignment is added to the Miami Township Police Department.

The job descriptions covering all employees shall be reviewed and documented quadrennially.

### **21.2.3 Position Management System**

The Accreditation Manager shall develop and maintain a staffing table that provides the following information:

- The number and type of each position authorized;
- The location of each authorized position within the organizational structure;
- The position status information, whether filled or vacant for each authorized position in the department.

The Accreditation Manager shall update the staffing table as needed.

#### 21.2.4 Workload Assessments

The Department may allocate personnel to Divisions based on workload assessments. The Chief of Police or his/her designee may prepare a workload assessment for the department and each of its components at least quadrennially.

The workload assessment shall include at a minimum:

- Number of incidents/tasks handled;
- Average time required to handle an incident/task;
- Time lost through days off, holidays, vacation and other leaves compared to the total time for each assignment;
- Calculations of the percent of time, on the average, that should be available to personnel for handling incidents during a specified period (shift).

The workload assessment system shall be documented, including calculations and source documents utilized.

The Chief of Police shall assess current workloads of each organizational component and may reallocate personnel accordingly.

It will be the responsibility of the Chief of Police and Division Supervisors to distribute their personnel in accordance with the workload assessments for their divisions to obtain the most effective and efficient utilization of personnel.

**DIRECTIVE 22.1  
COMPENSATION AND BENEFITS**

<b>Issue Date: 04/29/2020</b>	<b>By Order of Chief of Police</b>
<b>Rescinds: (Issue 09/01/2019)</b>	<b>CALEA Standards Referenced: 22.1.1; 22.1.2; 22.1.3; 22.1.4; 22.1.5; 22.1.6; 22.1.7; 22.1.8 &amp; 22.1.9</b>
<b>Pages: 23</b>	

**This directive consists of the following sections:**

- 22.1.1 Salary Program**
- 22.1.2 Leave Program**
- 22.1.3 Benefits Program**
- 22.1.4 Personnel Support Services Program**
- 22.1.5 Victim Witness Services / Line of Duty Death**
- 22.1.6 Clothing and Equipment**
- 22.1.7 Employee Assistance Program**
- 22.1.8 Employee Identification**
- 22.1.9 Military Deployment and Reintegration**

**POLICY & PROCEDURE**

Management and employees of the police department mutually recognize that compensation is essential for the department to provide excellent service at a reasonable cost, to compete for and retain competent personnel, and to reward superior performance. This directive is to outline compensation for employees of the Miami Township Police Department.

Management and employees of the police department mutually recognize that benefits are essential to compete for and retain competent personnel. This directive is to outline benefits for employees of the Miami Township Police Department.

**22.1.1 Salary Program**

*Salary Plan*

An employee of the Miami Township Police Department shall be paid a salary or wage in accordance with the salary and wage schedule adopted by the Miami Township Trustees through the Collective Bargaining Agreements and Personnel Resolutions. The specific salaries/wages of the employees that are governed by a Collective Bargaining Agreement shall be made available to all employees through the utilization and downloading on PowerDMS. The Township Administrator shall maintain a written list of salaries

provided to other employees of the police department. This list shall be made available to all employees who request a copy. This request shall be in written form and be directed to the Chief of Police for forwarding to the Township Administrator. Employees of the Miami Township Police Department covered under Collective Bargaining Agreements shall be paid their respective salary/wage in accordance with Article 15, Section 15.5 (Sergeants) 15.5 (Other CBA Members). Those employees not covered under Collective Bargaining Agreements shall be paid their respective salary/wage in accordance with the Miami Township Personnel Policies and Procedures Manual, Section III, 3.5.

#### *Entry Level Salaries*

Newly hired full-time employees covered under the Collective Bargaining Agreement will start within the salary range designated in the Collective Bargaining Agreement, Article 15, Section 15.1 through 15.8. Newly hired employees not covered under a Collective Bargaining Agreement shall have a salary set by the Miami Township Trustees through a Personnel Resolution. The salary shall be fixed after consultation with the Chief of Police, and will reflect the experience, education, training, qualifications, and responsibilities of the perspective employee.

#### *Salary Differential Within Ranks*

Newly hired or promoted employees covered under the Collective Bargaining Agreements are paid at the rate of pay determined by the Miami Township Trustees and set forth in the Collective Bargaining Agreements, Article 15. Those employees are then entitled to step raises as outlined in the Collective Bargaining Agreements Article 15. Employees not covered under a Collective Bargaining Agreement shall have a salary set by the Miami Township Trustees through a Personnel Resolution. The salary shall be fixed after consultation with the Chief of Police, and will reflect the experience, education, training, qualifications, and responsibilities of the employee.

#### *Salary Differential Between Ranks*

Salary differential between sworn personnel ranks shall be determined by the Miami Township Trustees and is set forth in the Collective Bargaining Agreements, Article 15. Employees not covered under a Collective Bargaining Agreement shall have a salary set by the Miami Township Trustees through a Personnel Resolution. The salary shall be fixed after consultation with the Chief of Police, and will reflect the experience, education, training, qualifications, and responsibilities of the employee.

An employee covered under the Collective Bargaining Agreements assigned to duties of Corporal or Investigations shall entitle the employee to a pay adjustment in accordance with Article 15.6 (CBA Members) of the Collective Bargaining Agreements.

### *Salary Levels for Those with Special Skills*

#### Field Training Officer/Police Training Officer Assignment

An employee covered under the Collective Bargaining Agreements assigned to duties of Field Training Officer/Police Training Officer shall entitle the employee to a pay adjustment in accordance with Article 15.6 (Sergeants) and Article 15.6 (CBA Members) of the Collective Bargaining Agreements.

### *Compensatory Time*

Compensatory time for an employee covered under the Collective Bargaining Agreements is set forth in the Collective Bargaining Agreements Article 14, Section 14.3. Those employees not covered under a Collective Bargaining Agreement may elect compensatory time in lieu of overtime pay in accordance with the Miami Township Personnel Policies and Procedures Manual, Section III.3.2.

- An employee who elects to receive compensatory time in lieu of pay for overtime compensation shall request so through the submission of an overtime form indicating compensatory time versus pay.

An employee who requests compensatory time in lieu of pay shall receive compensatory time at the rate specified and in no amount greater than specified in the Collective Bargaining Agreements, Article 14, Section 14.3 or the Miami Township Personnel Policies and Procedures Manual, Section III.3.2.

- An employee who desires to use compensatory time in lieu of scheduled work hours shall request so through the submission of a compensatory leave request form. Requests for compensatory time usage may be approved by the supervisor in charge of the shift covering the requested time if the leave does not prompt departmental overtime to meet minimum manpower staffing levels.
- The employer shall not unreasonably refuse to grant the compensatory time off requested by the employee; however, the granting of the use of any compensatory time shall not interfere with the effective and efficient operation of the department.

### *Overtime*

Overtime for an employee covered under the Collective Bargaining Agreements is set forth in the Collective Bargaining Agreements Article 14, Section 14.2. An employee not covered under the Collective Bargaining Agreements, who is entitled to overtime pay, shall have such overtime pay calculated in accordance with the provisions set forth in the Miami Township Personnel Policies and Procedures Manual, Section III, 3.2.

Court time/Call Out Time for an employee covered under the Collective Bargaining Agreements is set forth in the Collective Bargaining Agreements Article 16, Sections 16.1 through 16.4. An employee not covered under the Collective Bargaining Agreements who is required to appear before a court or who is called out for emergency work outside his/her regularly scheduled hours shall receive compensation in accordance with the Miami Township Personnel Policies and Procedures Manual, Section III, 3.2.

Generally, overtime will be approved for the following duties:

- Hours worked when employees are called in to work for emergencies on days and hours they are not scheduled.
- Hours worked when situations extend work beyond the end of scheduled work hours.
- Any special event approved for pay by a supervisor in advance.
- Attendance for court purposes.
- Required training sessions not conducted during the employees scheduled work hours.

Employees must have prior authorization from their supervisor or the supervisor in charge of the event, to which the employee is assigned, for overtime work beyond their authorized scheduled work period. Employees may not work more than 16 hours in a 24-hour period. The 16 hours are actual hours worked and includes: duty shifts, off duty details, overtime and actual time spent at court.

An employee shall complete the appropriate overtime payment form for supervisory approval. An employee will only be granted compensation for overtime work hours for which the employee received authorization from their supervisor documented on the appropriate form and submitted in accordance with this procedure.

Overtime will be calculated and paid with the regular pay and within the same pay period in which it was earned when possible.

### [Salary Augmentation](#)

#### Educational Incentive Bonus

An employee covered under the Collective Bargaining Agreements is entitled to Educational Incentive Bonus pay in accordance with the provisions set forth in the Collective Bargaining Agreements Article 35, Section 35.4. An employee not covered under the Collective Bargaining Agreements is not entitled to Educational Incentive Bonus pay.

#### Assignment Above Job Classification

An employee covered under the Collective Bargaining Agreements assigned to duties of a position with a higher pay range than the employee's own rate of pay shall entitle the

employee to a pay adjustment for working above their classification in accordance with Article 32, Sections 32.1 through 32.4 (CBA Members) through 32.5 (Sergeants).

### **22.1.2 Leave Program**

#### *Administrative Leave*

When death or serious physical injury has resulted from the use of force or any other action by an employee (auto accident or other means), the employee as soon as practical, will be removed from line duty assignment or they may be placed on administrative leave until completion of an administrative review of the incident. This review will be completed as soon as practical following the incident.

Administrative leave shall be without loss of pay and benefits and such leave shall not be interpreted to imply that the employee acted improperly. This administrative leave will continue until terminated by the Chief of Police.

When an employee has or has been alleged to have been involved in an incident that has resulted in the death of a person, the employee may be required to undergo a debriefing with a psychologist. The department will afford the services of a professional psychologist and/or psychiatrist to an employee who has or has been alleged to have used force or any other action that resulted in the death of a person. When an employee elects to use this service, it shall be protected by the physician-patient relationship.

The Chief of Police may also grant relief from duty when an employee has been involved in a critical incident. Such incident is defined as an occurrence that brings an overwhelming emotional response from the employee witnessing it and the emotional effect goes beyond the employees coping abilities.

#### *Administrative Leaves (Other)*

##### Personal Leave

An employee who is covered under the Collective Bargaining Agreements is entitled to Personal Leave benefits in accordance with Article 20 of the Collective Bargaining Agreements. An employee not covered under a Collective Bargaining Agreement is entitled to Personal Leave benefits in accordance with Section III, 3.12 of the Miami Township Personnel Policies and Procedures Manual.

An employee designated by the Chief of Police is tasked with monitoring the use of sick leave/entitlement of personal days. No other employee of the agency shall add personal leave time to their leave bank or the leave bank of any other personnel. Additionally, no employee of the agency should be entering personal leave payout to the bank or the leave bank of any other personnel. All personnel should notify the Chiefs designee of any request for the addition or payout of personal leave.

An employee who elects to use an earned Personal Day shall complete the appropriate form and forward to their immediate supervisor for approval.

### Bereavement Leave

An employee who is covered under the Collective Bargaining Agreements is entitled to Bereavement Leave as provided in Article 19, Section 19.6 of the Collective Bargaining Agreements. An employee who is not covered under a Collective Bargaining Agreements is entitled to Bereavement Leave as provided for in Section III, 3.7 of the Miami Township Personnel Policies and Procedures Manual.

An employee who elects to use Bereavement Leave shall complete the appropriate form and forward to their immediate supervisor for approval.

### Unpaid Leave of Absences

An employee covered under a Collective Bargaining Agreement may request an unpaid leave of absence in accordance with the Collective Bargaining Agreements, Article 28, Section 28.1 A. An employee not covered under the Collective Bargaining Agreement may request an unpaid leave of absence for the reasons specified in the Miami Township Personnel Policies and Procedures Manual Section III, 3.8.

To request an unpaid leave of absence the employee must submit in writing through the chain of command a letter to the Chief of Police. The letter must explain in detail the circumstances under which the employee is requesting the leave, including the beginning and ending dates of the leave. Unless extenuating circumstances exist, the employee shall direct such a request to the Chief of Police no less than sixty days prior to the beginning date of the leave request.

### Jury Duty Leave/Witness Summons

Any employee of the Miami Township Police Department is entitled to Jury Duty Leave/Witness Summons in accordance with the provisions of the Miami Township Policies and Procedures Manual Section III, 3.10.

### Injury Leave

An employee covered under a Collective Bargaining Agreement may be granted injury leave in accordance with the provisions of the Collective Bargaining Agreements, Article 21. An employee not covered under a Collective Bargaining Agreement may be granted injury leave in accordance with the provisions of the Miami Township Personnel Policies and Procedures Manual, Section III, 3.13.

### [Holiday Leave](#)

An employee covered under a Collective Bargaining Agreement shall be entitled to holiday benefits in accordance with the Collective Bargaining Agreements, Article 17. An employee not covered under a Collective Bargaining Agreement shall be entitled to Holiday benefits in accordance with the Miami Township Personnel Policies and Procedures Manual Section III, 3.3.

### [Sick Leave](#)

An employee who is covered under a Collective Bargaining Agreement is entitled to Sick Leave benefits in accordance with the provisions of Article 19, Sections 19.1 – 19.5. An employee who is not covered under a Collective Bargaining Agreements is entitled to Sick Leave benefits in accordance with the provision of Section III, 3.6 of the Miami Township Personnel Policies and Procedures Manual.

An employee who calls off sick shall inform the on-duty supervisor of the specific circumstances as to the illness which prohibits the employee from reporting to work. The employee shall not involve themselves in recreational activities outside of their primary residence that would have not been available to the employee had they reported to work.

Upon return from sick leave, an employee shall complete the appropriate form and forward it to their supervisor for approval.

### [Vacation Leave](#)

An employee covered under a Collective Bargaining Agreement shall be entitled to vacation benefits as specified in the provisions of the Collective Bargaining Agreements, Article 18. An employee not covered under a Collective Bargaining Agreement shall be entitled to vacation benefits as specified in the Miami Township Personnel Policies and Procedures Manual, Section III, 3.4.

An employee who elects to use vacation leave shall complete the appropriate form and forward it to their supervisor for approval.

### [Family and Medical Leave](#)

Any employee of the Miami Township Police Department is entitled to Family or Medical Leave in accordance with the provisions of the Miami Township Policies and Procedures Manual Section III, 3.9.

### [Short-Term Military Leave](#)

An employee who is covered under the Collective Bargaining Agreements is entitled to short-term Military Leave as provided in Article 27 of the Collective Bargaining

Agreements. An employee not covered under a Collective Bargaining Agreement is entitled to Military Leave as provided for in III, 3.11 of the Miami Township Personnel Policies and Procedures Manual.

An employee shall provide the employer with required documents as evidence for such duty no less than two weeks prior to the beginning of such leave period unless extenuating circumstances exist.

### **22.1.3 Benefits Programs**

#### **Retirement Programs**

All police department employees are enrolled in the Public Employees Retirement System of Ohio (PERS). Sworn personnel are enrolled under the PERS law enforcement retirement program as provided in Article 34, Section 34.5 of the Collective Bargaining Agreements. Any employee not covered under a Collective Bargaining Agreement shall participate in accordance with the provisions of the Miami Township Policies and Procedures Manual Section V, 5.3.

Employees may voluntarily participate in the Ohio Public Employees Deferred Compensation Program. The employer shall when authorized withhold a portion of the employee's compensation for payment to the program.

An employee covered under a Collective Bargaining Agreement shall be entitled to other benefits upon their retirement as specified in the Collective Bargaining Agreements Article 34, Article 18, Section 18.6, Article 19, Section 19.3 and Article 29.

An employee not covered under a Collective Bargaining Agreement shall be entitled to other benefits upon their retirement as specified in the Miami Township Personnel Policies and Procedures Manual, Section III, 3.6.

#### **Health Insurance Programs**

An employee covered under a Collective Bargaining Agreement shall be provided health insurance as provided for in the provisions of the Collective Bargaining Agreements, Article 22, Section 22.1 & 22.2.

An employee not covered under a Collective Bargaining Agreement shall be provided health insurance as provided for in the Miami Township Personnel Policies and Procedures Manual. Section V, 5.1.

#### **Disability & Death Benefits**

For an employee covered under a Collective Bargaining Agreement, the employee may be entitled to disability benefits, subject to the conditions of the provisions of the Collective Bargaining Agreements, Article 28 B. & C.

An employee not covered under the Collective Bargaining Agreement shall be provided disability leave as provided in the Miami Township Personnel Policies and Procedures Manual Section V. 5.2

Total service-connected disability benefits are provided by the Ohio Public Employees Retirement System.

An employee covered under a Collective Bargaining Agreement shall be provided life insurance as provided in accordance with the provisions of the Collective Bargaining Agreements, Article 22, Section 22.4.

An employee covered under a Collective Bargaining Agreement is entitled to other provisions outlined in the Collective Bargaining Agreements, Death of a Police Officer or Bargaining Unit Member, Article 30.

An employee not covered under the Collective Bargaining Agreement shall be provided life insurance as provided for in the Miami Township Personnel Policies and Procedures Manual Section V, 5.1.

#### *Liability Protection Program*

For an employee covered under the Collective Bargaining Agreement, Miami Township will indemnify and defend any employee from actions arising out of the lawful performance of their official duties as required by 2744.07 of the Ohio Revised Code & Article 22, Section 22.3 of the Collective Bargaining Agreements.

For an employee not covered under a Collective Bargaining Agreement, Miami Township will indemnify and defend any employee from actions arising out of the lawful performance of their official duties as provided for in the Miami Township Personnel Policies and Procedures Manual Section V, 5.4.

#### *Employee Educational Benefit Programs*

For an employee covered under a Collective Bargaining Agreement, Miami Township will provide tuition assistance in accordance with the provisions of the Collective Bargaining Agreements Article 35, Section 35.1 through 35.3.

An employee covered under a Collective Bargaining Agreement shall be entitled to Educational Incentive Bonus in accordance with the provisions of the Collective Bargaining Agreements, Article 35, Section 35.4 & 35.5.

For an employee not covered under a Collective Bargaining Agreement, Miami Township shall provide tuition assistance and reimbursement as provided for in the Miami Township Policies and Procedure Manual, Section V, 5.6 & 5.7.

An employee not covered under a Collective Bargaining Agreement is not entitled to Educational Incentive Bonuses.

#### **22.1.4 Personnel Support Services Program**

The Employee Benefits Program for all Miami Township employees is administered by the Township Administrator or his/her designee. Any employee requiring assistance with benefits may obtain assistance through the Office of the Township Administrative Assistant.

#### **22.1.5 Victim Witness Services / Line of Duty Death**

Whenever a police employee has been seriously injured or killed because of a line-of-duty incident, department personnel shall attempt to render appropriate assistance. Such assistance may include, but not be limited to any of the following:

- Timely and compassionate notification of the spouse, next of kin, other family and significant others of the employee.
- Assisting the family and significant others of the injured at the hospital.
- Supporting the family and significant others at the funeral and burial of slain employee.
- Helping the family and significant others with legal and benefit matters.
- Counseling the family and significant others regarding finances and other possible problems.
- Support the family and significant others during criminal proceedings (if any).
- Maintain long-term contact with the family and significant others and keep informed of any needs.

In the event of death of a Police Officer or Bargaining Unit Member, the Chief of Police or his/her designee shall also provide support services as required by Collective Bargaining Agreements, Article 30.

Miami Township supports a staff of Police Chaplains. These members are available to assist police officers and their families; offer counseling and make referrals as appropriate. Chaplains are available to visit sick or injured officers and/or their families and are available for funerals of police officers and/or their families.

#### **22.1.6 Clothing and Equipment**

For an employee covered under a Collective Bargaining Agreement, the employer shall supply equipment and clothing according to the Collective Bargaining Agreements, Article 23.

Sworn police personnel not covered under a Collective Bargaining Agreement shall receive the identical clothing benefits as outlined in the Collective Bargaining Agreements, Article 23.

For civilian employees not covered under a Collective Bargaining Agreement, the employer shall supply clothing and equipment in accordance with the Miami Township Policies and Procedures Manual Section VI, 6.4.

A designated Sergeant will be responsible for issuing uniform and equipment to all newly employed sworn personnel. The initial issue of uniforms and equipment to new employees shall be documented and a copy of such documentation shall be filed with the designated Sergeant. Upon termination of employment, all issued uniforms and equipment shall be returned to the designated Sergeant and documented on the Uniform & Equipment form.

When an issued uniform or equipment item needs to be replaced, the member to whom it was issued will be responsible for requesting a replacement to the designated Sergeant. The designated Sergeant will determine the need for replacement and if necessary, replace the item. No documentation is needed for re-issued items.

Supervisors of civilian personnel are responsible for issuing uniform and equipment to those members. A designated supervisor issues uniform and equipment to any authorized auxiliary members as stated in Directive 45.3.

### *Dress Standards*

The uniform specifications and personal appearance standards outlined apply as applicable to all personnel and shall be adhered to by all employees of the police department. Personnel may be excused from designated provisions of this policy with permission from a Supervisor.

The uniform will be worn only when performing official duties related to department business, except for traveling to and from work. Members while traveling to or from work shall be in civilian attire or a complete uniform. No part of the uniform is to be worn separately and mixed with civilian clothing.

When on duty, personnel shall wear their uniforms prescribed for the season and will not work with any civilian, non-uniform or unauthorized items, unless specifically authorized or as directed herein.

The uniform shirt and pants shall be kept clean, neat, in proper repair, with a military pleat or press. Uniform duty equipment, shoes and boots shall be kept cleaned, in proper repair and highly polished. Uniform headgear shall be clean and in good repair. All other items of clothing and equipment will be kept clean, in good repair and in working order. Personnel are responsible to request a replacement or repair for damaged, lost or unserviceable uniforms or equipment. Personnel will make such notification by use of a uniform request form to their immediate supervisor.

### General Uniform Requirements

Uniform shoes shall be worn with black socks without design. Uniform boots may be worn with black or white insulated socks.

Officers may wear a plain navy-blue crew neck undershirt with the uniform.

Except as specifically indicated, officers may wear only black gloves with the uniform. Officers may wear the department issued raincoat during inclement weather.

Officers may wear an issued tie tack or clasp with the uniform tie.

After awarded, citation bars shall be worn on an officer's class A uniform. No items, pins or insignia other than those authorized in this policy are permitted on the uniform.

The shift supervisor may approve other items of clothing to be worn in inclement weather, which is defined as weather with a temperature of 32 degrees Fahrenheit or less and/or weather conditions in the form of prolonged heavy rain, heavy snow or freezing rain.

Officers may wear department issued outerwear at their discretion for comfort. The outermost garment must display either an issued badge or attached cloth badge. Outerwear shall be worn with all buttons and zippers closed when the Officer is in contact with any citizens or in a public place.

Uniform exceptions may only occur at the discretion of a supervisor where such clothing standards would interfere with the specific assignment of the officer.

### Sworn Personnel/Civilian Clothing

Department sworn personnel assigned to positions which permit the wearing of civilian clothing or when personnel are representing the department and are authorized to wear civilian clothing, they will be expected to adhere to the following clothing standards (excluding those assigned to undercover work assignments).

- Male personnel when not in uniform shall wear conservative business attire, including a suit or sport coat; suit or dress trousers; dress shirt with collar and tie; trouser belt and buckle; socks in keeping with conservative business attire; dress shoes, highly shined.
- Ties shall be worn properly with shirt collar buttoned; any tie clasp or tie tack worn shall be in keeping with proper and conservative attire policy.
- Female personnel when not in uniform shall wear conservative business attire which may consist of a dress, skirt and blouse, slacks and blouse or pant suit and practical conservative footwear.
- All sworn personnel in civilian clothing will have a non-lethal force option such as a Taser or OC on his/her person when outside the agency investigating cases or

interacting with the public. Upon request of the Chief of Police or designee this requirement may be excused.

### *Court Apparel*

When appearing in court, members of the department are expected to present a professional and business-like appearance.

Appropriate attire will be the uniform of the day or civilian attire as described above.

Officers may when appearing in court in uniform on off-duty time, wear their issued firearm in the issued off-duty holster in lieu of the duty belt and equipment. The issued inner duty belt shall be worn with the basket weave side of the belt facing out.

### *Firearm Requirement*

All sworn personnel shall always when on duty, in uniform or civilian attire be armed with a department issued firearm. The only exception to this shall be in a specific assignment which in the interest of the department and/or community and then only with the approval of the Chief of Police.

### *Body Armor Requirement*

All sworn personnel shall wear body armor as stated in Directive 41.3.

### *Appearance Standards*

All employees while on duty must keep themselves neat in dress and appearance, unless a duty assignment requires otherwise.

All sworn members of the department shall keep available at the police station a change of uniform should the occasion arise that that a change of uniform should be required.

All sworn personnel must keep their hair clean, neat, combed, trimmed and styled in such a manner that the bulk or length of the hair does not interfere with the normal wearing of all standard head gear. Hair will be worn in such a manner that it shall not extend below the rear shirt collar. Haircuts or hair coloring of a faddish or unnatural nature or appearance are not permitted. Wigs or hairpieces are permitted if they conform to the above standards for natural hair.

Sideburns shall not be any greater than a point at a right angle to the midpoint of the ear and shall be squared at the bottom and trimmed so as not to appear bulky.

Uniformed personnel must be clean shaven, except for mustaches. Mustaches shall be neat and trimmed, with the ends not to exceed ¼ inch past the corner of the mouth or

falling below a line horizontal with the corner of the mouth and shall not cover any portion of the upper lip.

Non-uniformed personnel may maintain a neatly trimmed beard. The length will be dictated by the Division Commander.

Fingernail length shall not exceed ¼ inch past the tip of the finger or thumb. The use of nail polish by sworn personnel is prohibited, except for clear nail polish.

The moderate use of makeup by females is permissible. The use of extreme eye makeup, bright colors or heavy use of makeup is unacceptable.

Necklaces are prohibited. Metals, scapulars and other bona fide expressions of religious affiliations and Medical Alert Tags may be worn around the neck provided that the item is concealed by either the uniform or an undershirt.

Rings will be limited to one ring on one finger of each hand (wedding band and engagement ring are considered one ring).

Earrings and Bracelets are prohibited except Medical Alert and law enforcement themed bracelets, at the discretion of the Chief or his/her designee.

Visible tattoos, branding, intentional scarring, and alternative body decorations are prohibited for sworn and civilian employees of the Miami Township Police Department, regardless of assignment. Prohibited body decorations include but are not limited to tattoos, piercings, intentional scarring and jewelry beyond that discussed in MTPD Procedures 22.1. Visible tattoos and body decorations are those not concealed by the uniform of the day.

However, the employee can request approval, through the chain of command, to exhibit/show an existing tattoo without concealment by the uniform of the day. The same request for approval stands for any potentially new tattoos. Upon approval from the Chief of Police, sworn and civilian employees may be allowed visible tattoos to not be concealed by the uniform of the day or other form of covering.

### [Uniform/Equipment Specifications & Guidelines](#)

All uniform items in this directive requiring the use of gold or silver are issued:

Gold – Chief of Police, Lieutenants, Sergeants and Corporals

Silver – Officers

### [Formal Uniform & Accessories](#)

Hat (1) – LAPD style navy blue hat with Florentine hatband and hat badge as issued.

Formal Blouse (1) – Navy blue single-breasted lined blouse with metal buttons. Command staff blouses have a gold sleeve braid positioned 3” above edge of cuff, each additional braid ¼” above the other. The formal blouse shall have name plate assembly centered on the right breast pocket with the top of the name plate 1/4 inch below the top of the right breast pocket flap. Citation bars and breast badge shall be worn on a cluster holder on the left side of the dress blouse. Supervisory staff shall have their respective rank insignia centered on epaulets ½ inch from outside shoulder seam.

Long Sleeve Shirt (2) – Zipper front light blue shirt with navy blue contrasting epaulets and pocket flaps. The long sleeve shirt shall be worn with metal buttons affixed at eyelets provided in the shirt epaulets and pocket flaps. The issued navy-blue tie shall be worn.

Trouser (2) – Navy blue with medium blue shirt cloth 1” braid centered on outside leg seam.

Shoes (1) – Hi-Gloss Uniform Oxford.

The formal uniform shall be worn for funeral or memorial services and will be worn as directed. White gloves are required at all funeral and memorial services.

#### *General Uniform Articles*

Hat (1) – Campaign style, straw double brim, navy blue. Three-piece hat strap with acorn braid. Hat badge as issued.

Hat Rain Cover (1) – As issued.

Short Sleeve Shirt (3) – Navy blue issued shirt.

Long Sleeve Shirt (3) – Navy blue issued shirt.

Uniform Vest Carrier (2) – Navy blue issued vest carrier.

Suspenders – (1) – Black, worn under the uniform vest carrier.

Trouser (2) – Navy blue issued trousers.

Badge (2) – Officers badge number.

Nameplate Assembly (1) – Last name, placed on serving since plate. Serving since date shall reflect the year in which the officer became a sworn police officer.

Citation Bars – Members wearing the department dress uniform shall display their citation bars in a cluster holder on the left side of their dress blouse.

Military Pin - Various branches of the military.

Shoes (1) – Issued black shoe or Chukka boot with smooth polished finish and plain toe.

Boots (1) – Issued black with smooth polished finish and plain toe.

Coat (1) – Navy blue, mid-length lined jacket: zippered front and side panels. Metal buttons on epaulets and pocket flaps. Shoulder departmental emblems shall be centered on each sleeve ½” below top of shoulder seam. Black name cloth with last name only, above and between top of right pocket and right epaulet. Cloth badge without rank specification centered above and between top of left pocket and left epaulet. Rank insignia will also be displayed.

Tie (1) – Navy blue in color.

Winter Hat (1) – Black or blue toboggan hat with MTPD lettering.

Raincoat (1) – Reversible lightweight ANSI certified with badge tab.

Traffic Vest (1) – ANSI certified with POLICE lettering.

Body Armor (1) – Ballistic vest as issued.

#### [General Equipment Articles](#)

Excluding the Taser, equipment worn on the duty belt may be worn in any position at the officer’s discretion for convenience and comfort. The Taser must be carried on the Officers non-dominant side only, opposite side of the handgun.

Inner Belt (1) – Black 2 ¾” inch reversible basket weave with Velcro.

Outer Belt (1) – Black buckle-less basket weave with Velcro.

Holster (1) – Black basket weave/leather fitted for duty weapon.

Firearm (1) & Ammunition – Issued Glock.

Ammunition/Magazine Pouch (1) – Black basket weave/leather, double vertical with Velcro or hidden snap.

Handcuffs (1) – As issued.

Handcuff Case (1) – Black basket weave/leather with Velcro or hidden snap.

Quick Cuff (1) – As issued.

Chemical Agent & Holder (1) – Black basket weave/leather.

Portable Radio Holder (1) – Black basket weave/leather.

Expandable Baton Holder (1) – Black basket weave/leather.

Disposable Glove Holder (1) – Black basket weave/leather.

Flashlight Ring (Optional) (1) – Black basket weave/leather.

Belt Keepers (Optional) (4) – Black basket weave/leather.

Taser Holder (if carried) (1) – Plain black holder.

Shoulder Holster (Investigators Only) (1) – Black or brown plain holster.

Raid Jackets (Investigators Only) (1) – Black with Police Lettering.

Off-Duty Holster (1) – Black plain holster.

Mourning Stripe (1) – Black.

ID Card (1) – As issued.

Metal Buttons (10) – Silver or Gold as issued.

Personal Protection Kit (1) – As issued.

Plate Carrier Containing Two (2) Plates.

Plated Helmet.

#### *Motorcycle Unit Uniform & Equipment*

Motorcycle Helmet (1) – Black and white in color, with front braid. Helmet is wired with speakers and PVP Communication microphone.

#### *Bike Unit Uniform & Equipment*

Bike Helmet (1) – Black ANSI approved.

Bike Shorts (2) – Navy blue with Velcro straps to secure gun belt, side pockets.

Bike Pants (1) – Navy blue with zippers at ankles, Velcro straps to secure gun belt, side pockets.

Bike Shirts (2) – French/New York Blue short sleeve shirt with epaulets on shoulders. Reflective striping on front, back and sleeves of shirt. Shoulder patches centered 1/2" below seam. POLICE printed in white on front and back of shirt. Velcro name plate on front right breast, cloth badge above left breast pocket. Rank on sleeves.

Gloves (2) – Black or charcoal or combination. One short finger glove set and one long finger glove set.

Jacket (1) – French/New York Blue jacket with epaulets on shoulders. Reflective striping on front, back and sleeves of jacket. Shoulder patches centered 1/2" below seam. POLICE printed in white on front and back. Velcro name plate on front right breast, cloth badge above left breast pocket. Rank on sleeves.

Shoes (1) – Bike specific shoes dark in color, low cut or ankle cut. If shoes have laces, laces must be capable of being secured.

Sunglasses (1) – Black frames with changeable clear lenses.

Carrying Bag (1) – Black nylon.

Duty Equipment (1) – Black nylon duty belt with handcuff case, taser holster, magazine pouch, chemical agent holder, ASP holder, radio holder and holster (all nylon).

#### *Honor Guard Uniform & Equipment*

Hat (1) – Dark blue New Jersey style hat with light blue hatband. High gloss bill with silver band and silver hat badge.

Coat (1) – Dark blue, high neck, long tail with silver trim. Three button high cuffed sleeves. Cuffs, collar and epaulets are French blue with silver trim. Silver shoulder braids. Silver Honor Guard badge and silver buttons.

Pants (1) – Dark blue with French blue stripe.

Shoes (1) – Hi-Gloss Uniform Oxford worn with black socks.

Gloves (1) – White cotton.

Duty Equipment (1) – Hi-Gloss black leather belt with shoulder strap, service weapon holster, ammunition pouch and cuff case.

Raincoat (1) – Black with belt and silver buttons.

### Summer Uniform

Summer uniform season is typically from the first Monday in March to the first Sunday in November of each year; however, the date may vary and is set by the Chief of Police or his/her designee. During this time period, sworn personnel may independently opt for the long sleeve navy uniform shirt.

Hat – Issued Campaign Hat with accouterments.

Shirt – Short sleeve navy shirt with a navy uniform vest carrier. The top button of the shirt may be open. Name plate assembly shall be centered on the right breast pocket flap. Rank Insignia and FTO Pins shall be worn on the collar. CIT Pin shall be centered at the very top on the left pocket flap. The badge is to be affixed through the eyelet provided in the shirt.

Pants – Issued Uniform Pants.

Shoes – Issued duty shoe or boot, well-polished.

Duty Equipment – As described under general equipment articles as appropriate.

Body Armor – As issued.

### Winter Uniform

Winter uniform season is typically from the first Monday in November to the first Sunday in March of each year.

Hat – Issued campaign hat with accouterments. During inclement weather, officers may choose to wear the issued winter knit hat.

Shirt – Long sleeve navy shirt with navy uniform vest carrier. Badge, nameplate and other pins shall be worn as described for summer uniform above.

Tie – Issued navy blue tie shall be worn on the following occasions and when otherwise directed by a Command Staff member.

- Funerals when in uniform.
- Court appearances when in uniform.
- Public speaking engagements performed outside normal duty hours.
- Community relations details performed outside normal duty hours.
- Other times as directed.

Pants – Issued uniform pants.

Shoes – Issued shoes/boots, well polished. Officers assigned to patrol duties must wear their boots during inclement weather and or as directed by the shift supervisor. Officers shall be responsible for having their issued boots readily available at the station when not wearing them.

Duty Equipment - As described under general equipment articles as appropriate.

Body Armor – As issued.

### Civilian Personnel

The following articles are issued to all civilian personnel:

- Summer Shirts (5)
- Winter Shirts (5)
- ID Card

The following items may be purchased via Township credit card or by reimbursement:

- Slacks (5)
- Sweater (1)
- Shoes (1) pair per year.

Civilian personnel shall be attired in their issued uniform components daily.

### 22.1.7 Employee Assistance Program

Miami Township has adopted an Employees Assistance Program (EAP) as a practical and constructive mechanism to help employees and their family members deal with problems that affect their personal and emotional wellbeing. The general purpose of the program is to assure that employees with a need and desire for professional counseling have ready access to such services and that employees with work impairing personal problems will receive an offer of professional counseling. The EAP staff is made up of licensed therapists, each one trained in family, marital and individual counseling. EAP may refer certain cases to specialized health professionals covered under the employee's health insurance plan. Additionally, the counselor may refer to a structured outpatient treatment program covered by the employee's health insurance.

All EAP services and records are confidential. All contacts, verbal or written communications or reports between the employee or family member and the EAP counselor, will be held in strict confidence. EAP records will not be disclosed to anyone unless the individual involved authorizes such disclosure in writing, or unless a court order compels disclosure.

An employee or family member who desires confidential consultation for a personal issue should call the EAP at 513-891-1627. Normal EAP office hours are 8:30 AM - 5:00 PM

weekdays. Appointments for counseling are available evenings. EAP also offers a twenty-four-hour emergency answering service. EAP counselors will either provide the necessary information or assistance over the telephone or will arrange for an appointment for further confidential consultation at the EAP office.

The basis of a referral to the EAP by a member of management must be either: a decline in work performance or an on the job incident, which indicates the possible presence of a personal issue.

The process for the referral will consist of a private meeting held with the employee. The focus of the interview should be restricted to the issue of the work situation or job incident. During this meeting, the supervisor will not speculate as to the cause of the performance decline. At this meeting, the supervisor may make an informal referral for assistance to EAP. Should a formal Performance Referral of Fitness-for-Duty Referral be required, the referring supervisor or manager shall use the five-step process covered in EAP supervisory training. To facilitate the most successful referral possible, management will consult with the EAP staff concerning the referral of an employee and complete the required CONCERN Services form.

An initial appointment at the EAP may be scheduled during work hours with the permission of the Department head or his designee. Subsequent appointments will be scheduled during non-work hours, unless otherwise authorized by the Department Head or his designee.

When an employee has been referred to the EAP for work related problems, the EAP will provide the referring source with the following information on the condition that the employee has signed a "Release of Information" or waiver.

- That the employee contacted CONCERN to schedule the appointment and that the first appointment was kept as scheduled.
- Whether the employee accepted or declined the assistance/recommendations of CONCERN.
- Whether I require time away from work for treatment. If time away from work is required, a specific leave date will be given and the Department Head or his designee will be advised as early as possible of the return to work.

If the employee fails to make or keep a first appointment at EAP, the referring source will be notified of that fact. If work problems do not recur, no further action will be required. If the work problems recur, then the Department Head or his designee will again follow the steps outlined above.

Nothing in this section shall limit the employer's right to take disciplinary action against an employee in any manner consistent with employer policy and/or limit the employee's legitimate access to the contractual grievance procedures. No employee will ever be disciplined for not utilizing the services of EAP.

Supervisors attempting to help an employee whose personal problems are affecting their work performance are often in the best position to assist that employee in accessing the EAP services. Upon promotion, all Supervisors shall review this policy and be issued a copy of the services and referral packet issued by EAP. All Supervisors shall review EAP services at any Public Employee Assistance Program & Drug Free training session conducted by PEAP staff or other designated persons presented at Miami Township. The review will include a review of the EAP packet, supervisor's role and responsibility in the referral process and identification of employee behaviors which would indicate the existence of employee concerns, problems and or issues that could impact employee job performance.

#### **22.1.8 Employee Identification**

Miami Township Police Department issues identification cards to all personnel. Personnel shall immediately present their identification card upon request to view the card. The identification card shall contain the employee's name, position and will include a photograph. Employees shall verbally identify themselves and the agency on telephone calls. Any person requesting verification of the employee's identification shall be instructed to call the police main number or the Clermont County Communications Center if the verification request is made outside of normal office hours.

All sworn personnel shall be issued a shirt badge which states the employee's unit number, name of department and employee's rank. Sworn personnel are issued a name bar and serving since pin that is worn on the uniform shirt. Uniform shirts and outerwear shall contain the appropriate department identification as directed in 22.1.6.

Except when impractical, unfeasible, or where the identity is obvious, sworn personnel shall identify themselves by displaying a badge or identification before taking police action.

Officers working an undercover assignment are exempt from carrying any identification or identifying themselves as required by assignment.

Auxiliary members shall have personnel identification as described in Directive 45.3.

#### **22.1.9 Military Deployment and Reintegration**

Miami Township Policy & Procedure Manual Section III, 3.11, Military Leave applies to all personnel of Miami Township.

Extended military leave without pay is given to those employees who are called up for military active duty service or those who enlist. Upon return from extended military leave, employees will be returned to their former position or one of like responsibility. Application for return from leave must be made to the Township Administrator within ninety days after discharge from active duty.

Employees on extended military leave may receive retirement credit for time spent on military service, in accordance with the rules of the respective retirement system.

Replacements for employees leaving on extended military leave may be hired but they are subject to layoff when the employees on extended military leave returns. Any employee who returns from extended military leave will receive any wage adjustments that would be due as though actively on the payroll.

Vacation and sick leave do not accumulate during extended military leave.

Additionally, sworn personnel of Collective Bargaining Agreements are given military leave in compliance with Article 27.

The Chief of Police or his/her designee shall be the agency point of contact for all persons on military deployment.

The Township Administrator or his/her designee shall be the human resources point of contact.

Employees being deployed shall have an out-processing interview with the Chief of Police or his/her designee. During the out-processing interview, the Chief of Police or his/her designee shall request from the employee, his/her choice of an agency contact. The agency contact will maintain communication to and from the deployed employee; sharing agency news and assisting with any concerns the deployed employee or his/her family may be having. The agency contact will keep the Chief of Police or his/her designee apprised of pertinent information.

The Chief of Police or his/her designee will determine if agency owned equipment will be stored in the Uniform/Equipment storage area or at the personal residence of the person being deployed.

Upon return from military deployment, the employee shall have an in-processing interview with the Chief of Police or his/her designee. This interview will include a determination of initial or refresher training required; a weapons requalification determination and any other steps for reintegration that may be necessary. A written outline of all training required will be given to the employee, all persons assigned to instruct/monitor the training and a copy shall be placed in the employees training file.

It is recognized that members returning from military deployment, especially those in combat operations, may have specialized needs. It is further recognized that traditional Employee Assistance Programs (EAP) may not sufficiently meet the needs of the returning employee. The agency shall consider all locally available and feasible resources to meet those needs. The employees' immediate supervisor shall ensure a process for maintaining communication with the returning deployed employee to access and assist with these needs.

## DIRECTIVE 22.2 CONDITIONS OF WORK

<b>Issue Date: 09/04/2020</b>	<b>By Order of Chief of Police</b>
<b>Rescinds: (Issue 04/29/2020)</b>	<b>CALEA Standards</b>
<b>Pages: 7</b>	<b>Referenced: 22.2.1; 22.2.2; 22.2.3; 22.2.4 &amp; 22.2.5</b>

**This directive consists of the following sections:**

- [22.2.1 Physical Examinations](#)
- [22.2.2 General Health and Physical Fitness](#)
- [22.2.3 Fitness and Wellness Program - Elected 20%](#)
- [22.2.4 Off-Duty Employment](#)
- [22.2.5 Extra-Duty Employment](#)

### **POLICY & PROCEDURE**

This directive describes agency policy regarding physical examinations for employees. Employees are encouraged to schedule comprehensive physical examinations and or fitness evaluations periodically to monitor and maintain a general level of health and fitness that allows them to perform their duties. Sworn personnel are encouraged to maintain a level of fitness no less than the entrance level fitness criteria of the department.

This directive defines the circumstances under which an employee may be employed in an off-duty or extra-duty capacity and the regulations therein.

#### **22.2.1 Physical Examinations**

The department may require an employee, at periodic intervals, to submit to a physical or psychological examination to confirm the employee's fitness to their duties; and to make the results of the examination available to the department. If required, these examinations shall be in compliance with the Collective Bargaining Agreements, Article 28, Section 28.1 C. and the Miami Township Policies & Procedure Manual. Section III, 3.6 & 3.9 F

The department may also require a fitness evaluation if an employee's fitness appears to be substandard to the entrance level criteria or if the employee demonstrates an excessive use of sick leave or the employee appears not to be able to perform the required job functions of their position.

Physical examinations and or psychological evaluations required by the department will be provided at no cost to the employee.

These examinations/evaluations may amount to additional testing at an otherwise routine physical examination or may involve additional complete examinations by a physician.

Regardless of the nature of, the frequency, extent or duration of the examinations/evaluations, if the department requires these examinations/evaluations, the cost shall not be charged to the employee.

The department shall request the provider of examinations/evaluations to make recommendations for the improvement of the employee's fitness based on the examination/evaluation.

The department shall require entry level/lateral entry candidates for the position of police officer to submit to medical and psychological examinations and meet the required standards as set forth in the departments' selection criteria for such position.

It is the policy of the Miami Township Police Department that the public has the absolute right to expect persons employed by Miami Township to be free from the effects of drugs or alcohol. Miami Township does participate, at the employer's cost, in Random and Reasonable Suspicion Drug and Alcohol Testing. This testing shall be in compliance with the Collective Bargaining Agreements, Article 38 and the Miami Township Policies & Procedure Manual, Section IV, 4.4.

#### **22.2.2 General Health & Physical Fitness**

The criteria for general health and fitness to be maintained by sworn employees shall reflect entrance level criteria for the department.

The Township recognizes the need to promote physical fitness among its Employees to maintain health, wellness and fitness for duty. To accomplish this goal, the Township has established a physical fitness program available to all eligible employees. Eligible Employees shall include full-time and permanent part-time employees of the Township. The Township will reimburse eligible Employees for membership at any fitness facility with the following conditions:

- The eligible Employee is responsible for any fee related to membership and monthly fees.
- The Township will reimburse an eligible Employee for up to \$20 of the monthly dues provided that:
  - Eligible Employees submits a reimbursement form to their Department Head with the following attachments:
  - A copy of the contract with the fitness facility that clearly states the monthly fee charged by the facility.

- A written attendance report generated by or provided by the fitness facility, on their letterhead signed by an owner or manager that documents the eligible Employee attended the facility at least eight 8 times per month on separate days.
- At no time will the eligible Employee be reimbursed more than the actual monthly dues charged by the fitness facility the eligible Employee attends.
- The reimbursement is considered part of the eligible Employee's annual compensation and is taxable income.
- Eligible employees cannot attend an off-site fitness facility while on duty.
- Prior to enrolling in a fitness program eligible Employees must provide a written document from their physician that they may engage in strenuous physical fitness activity. The eligible Employee must also sign the Bureau of Worker's Compensation Waiver of Worker's Compensation Benefits for Recreational or Fitness Activities for reimbursable time spent at a fitness facility. Eligible employees must provide a copy of the fitness facility contract to their Department Head at the time of enrollment and at any time there is a change to the terms of the contract.
- The Board of Trustees may revise or terminate this program at any time.

### **22.2.3 Fitness and Wellness Program – Elected 20%**

Miami Township Police Department has elected this as a 20% Standard for the Fitness and Wellness Program.

### **22.2.4 Off-Duty Employment**

Off-duty employment shall mean secondary employment of the off-duty type; that is outside employment wherein the use of law enforcement power is not anticipated. Off-duty employment is not scheduled through the police department nor directly related to the employee's position with the Miami Township Police Department.

Personnel engaged in off-duty employment shall conduct themselves in a manner that shall not bring discredit or ridicule to the employee or the Miami Township Police Department. Personnel engaged in off-duty employment shall not allow such employment to conflict with their department schedule, work assignments or other required department activities. Personnel will be expected to be reasonably available for emergency mobilization and overtime assignments.

Miami Township personnel may not engage in any of the following secondary employment situations:

- As a process server, repossession work, bill collector, bail bondsman, private investigator or in any other employment or in any capacity where police authority or access to confidential or restricted information could potentially be used to collect money, locate individuals or seize merchandise for private purposes or to satisfy a civil claim.
- At any establishment that has as its principal source of income the sale of alcoholic beverages, as a bartender, waiter/waitress in a liquor permit premise, or as a sales clerk for liquor or lottery tickets, or as a ‘bouncer’ in any liquor permit premises. This does not include one time events such as a dances or festivals.
- In any activity in which an employee functions in another aspect of the criminal justice system: probations officer, corrections officer, county court bailiff, etc.
- At any other activity herein specifically defined where, in the opinion of the Chief of Police, there could possibly be a law enforcement agency obligation for enforcement activity or the potential for a conflict of interest.

Prior to engaging in any off-duty employment, an employee must submit a secondary employment permit for approval. Completed secondary employment permits shall be submitted to the Administrative Assistant, who will review the form for completeness and accuracy. The Administrative Assistant will be responsible for the verification of any information contained in the secondary employment permit. After review, the Administrative Assistant shall submit the permit to the Chief of Police for final approval.

Whenever there is a change in the source or amount of compensation, or in the nature of work or the type of work conditions, it is the responsibility of the employee to notify the Administrative Assistant in writing of the specific change. This shall be accomplished via a new secondary employment permit request.

Annually, all approved secondary employment permits issued during the previous twelve month period will be reviewed by the employee and the Chief of Police. This will normally occur in January of each year. The Chief of Police shall renew or revoke all secondary employment permits at this time.

A secondary employment permit may be denied or not renewed for any of the following reasons:

- A determination that the nature of the employment poses a conflict of interest with the primary duties of the employee or the department.
- If the employment could involve the potential exercise of police authority or access to confidential information, and/or a determination that jurisdiction may be questionable or that the exercise of police powers may be inappropriate.
- Reasonable grounds to believe that the type of work, or amount or duration of hours will affect the employee’s ability to perform primary duties while working for the Miami Township Police Department, including required overtime and court appearances.
- Failure of the employer to include the employee on their worker’s compensation contract.

- The presence of a risk that the public image of the police department could be compromised.

An off-duty employment permit may be immediately revoked by the Chief of Police for any of the following reasons:

- Any change in a condition of the original application.
- A strike, labor dispute or other change of the off-duty employer's place of business that has the potential to place the employee in a vulnerable or controversial situation.
- Revocation as disciplinary action taken by the Chief of Police.
- Emergency mobilization of off-duty personnel.

### 22.2.5 Extra-Duty Employment

Extra-duty employment shall mean secondary employment wherein the actual or potential use of law enforcement powers is anticipated. Extra-duty employment is scheduled by or through the Miami Township Police Department. Extra-duty employment requires a secondary work permit and compensation for services are paid by the outside employer directly to the officer at a rate of pay set by the police department.

Officers working extra-duty assignments are subject to all directives, rules, regulations, policies and procedures currently in effect by the Miami Township Police Department and are subject to disciplinary action by the department for infractions of these.

Officers working extra-duty assignments will conform to the same standards of conduct as applies to their on-duty activities. This specifically includes the requirement that the law is obeyed, that criminal violations are enforced and that officers are not bound by private rules or restrictions that an employer may wish to enforce for their own purpose.

Unless a sworn supervisor is engaged in working an extra-duty assignment or otherwise designated by the Chief of Police, the on-duty supervisor is responsible for supervision of officers assigned to any police service within Miami Township.

The Chief of Police maintains the authority to determine the number of officers, the amount and type of equipment and supplies necessary to perform any assignment or extension of police services.

Police officers must immediately document any of the following incidents that occur during extra-duty employment. Such documentation shall be in accordance with department policies and procedures.

- Any occasion where an arrest is made or force of any kind is used.
- Any violation of criminal law or serious traffic violation.
- Any injury to an officer or other person.

- Any property damage occurring as a proximate result of an officer's actions (i.e. accident while officer is directing traffic).
- Any complaints concerning the actions or behavior of the police officer.
- Any occasion where an employer asks for an officer to compromise ethics, incur legal obligations, or for any impropriety on the part of the employer.
- Any occasion where an employer asks for an officer to remove someone from the premises. To have a person barred from the premises, to seize property on their behalf, to have a vehicle removed from the premises or any other situation for which the officer may be required to give an accounting at a later date, but for which a report was not prepared.

Department vehicles may be used on assignments when approved in advance by the Chief of Police. Officers working assignments will wear the same official full police uniform as worn on duty, except when authorized otherwise by the Chief of Police. The bike uniform is only to be worn if the assignment to the detail is specific for that function. Officers working a detail will be permitted to use a department radio while on the detail in order to summon assistance or communicate with supervisors when necessary.

The individual officer working the detail is responsible for notifying the shift supervisor and the communications center of the location and times of the detail, equipment being used and their communications call number.

Assignments will normally be voluntary in nature; however, once an officer is assigned a detail, the officer will be required to complete the assigned detail or find another officer to complete the detail. If no officer on the extra-duty list bids for a detail, that detail will become a mandatory assignment to an available officer on the strike off list with the highest number of refusals.

Whenever a criminal arrest is made on any approved assignment, under such circumstances that the officer's police powers are invoked, Miami Township will compensate the officer for any required court appearances involving the criminal charges.

Secondary employment permits shall be granted and reviewed in the same manner as off-duty permits. Work permits may be denied, not renewed or revoked in the same manner as off-duty permits.

Whenever a detail involves multiple officers over a long or indefinite period of time, a general coverage permit may be generated to give general approval to all police personnel working the detail.

Requests for police work will be routed to the Administrative Assistant, who will review the form for completeness and accuracy. The Administrative Assistant will be responsible for the verification of any information contained in the request form.

It will be the responsibility of the Administrative Assistant or his/her designee to review requests for extra-duty police details, schedule personnel for assignments, coordinate

billing and pay vouchers, act as a liaison with employers and ensure compliance of department personnel with this procedure. The Chief of Police shall have final approval of all police details.

Personnel who have an approved employment permit shall be notified of details via the in-house telephone notification system and a group email if time permits. Personnel are required to notify the Administrative Assistant of any changes to telephone numbers entered in the in-house telephone notification system. An officer who does not do so and thereby misses an available assignment forfeits this method of notification and has no basis for complaint about not being assigned for the detail. The same applies for any officer requesting not to receive phone notification.

All officers shall have an equal opportunity to respond for detail requests. There shall be no assignment of details of a first caller basis unless the detail request is less than a 24 hour notice. The phone notification system shall include a time limit for response set by the Administrative Assistant. After the set time limit, the detail shall be scheduled utilizing the strike off list.

**DIRECTIVE 22.3  
COLLECTIVE BARGAINING AND CONTRACT  
MANAGEMENT**

<b>Issue Date: 04/29/2020</b>	<b>By Order of Chief of Police</b>
<b>Rescinds: (Issue 08/20/2015)</b>	<b>CALEA Standards Referenced: 22.3.1 &amp; 22.3.2</b>
<b>Pages: 2</b>	

**This directive consists of the following sections:**

[\*\*22.3.1 Agency Role\*\*](#)

[\*\*22.3.2 Ratification Responsibilities\*\*](#)

**POLICY & PROCEDURE**

The purpose of this directive is to provide for the role of the Miami Township Police Department as it pertains to Collective Bargaining. This directive will also provide an outline as to the administration, procedures and labor management of the Collective Bargaining Agreements. Collective Bargaining is subject to the requirements of Ohio Revised Code 4117, Public Employee’s Collective Bargaining.

[\*\*22.3.1 Agency Role\*\*](#)

The bargaining team formed for the employer for the purpose of bargaining collectively with representatives of the employee’s collective bargaining groups of the Miami Township Police Department will normally consist of an individual appointed by the Board of Township Trustees and the Chief of Police, or his/her designee.

The Township Administrator serves as the principle negotiator for the Township, to present proposals and counter proposals on behalf of the Township.

Miami Township bargains collectively with these groups: Police Officers & Police Sergeants. The employer recognizes that the employee groups may be represented by themselves or by an organization chosen by the employee group.

The employer currently recognizes the Fraternal Order of Police, Ohio Labor Council, Inc. as the exclusive bargaining agent for the employee groups listed.

In compliance with Ohio Revised Code, Chapter 4117 representatives of Miami Township and representatives of the employee’s collective bargaining group will follow the principles of ‘good faith’ bargaining; that is, oral agreements during negotiations are

reflected in written contractual language and carried out in future labor management relations.

Prior to beginning the negotiation process, both parties shall decide on mutually acceptable procedures which the bargaining teams shall adhere to during the collective bargaining process. These ground rules shall include the following items:

- The size and composition of the bargaining teams.
- Compensation for police department employees acting as bargaining team members during the bargaining process.
- Time schedules and agendas for meetings.
- Procedures pertaining to the release of information to third parties during negotiations.
- Method for introducing issues.
- Method for resolving conflict.

Procedures for resolving impasses are described in Ohio Revised Code, Section 4117.14.

As a result of collective bargaining between Miami Township and the employee's collective bargaining groups, a written record in the form of an agreement will be drafted. The agreement shall be signed by representatives of both parties to signify agreement. Miami Township is committed to abide by the letter and spirit of the agreements by and between the Miami Township Board of Trustees and the Fraternal Order of Police.

### **22.3.2 Actions Required After Ratification of Negotiated Labor Agreements**

Upon the signing of the ratified labor agreements by the appropriate persons, all employees are notified of ratified contract availability and acknowledge their receipt via sign off in PowerDMS. Changes from the existing Collective Bargaining Agreements will be noted to department supervisors.

Upon the issuance of a new labor agreement, the Chief of Police shall order a review of the new labor agreement by the Accreditation Manager, who will after review of the new labor agreement, review and amend affected department directives, if necessary. Upon completion of any necessary revision to agency directive, policy or procedure, the Chief of Police shall review the affected directive, policy or procedure and order the affected revision to coincide with the terms of the labor agreement.

The Chief of Police will disseminate information relative to a new labor agreement, including modifications to existing agreements, to managers and supervisors of bargaining unit employees.

# DIRECTIVE 22.4 GRIEVANCE PROCEDURES

<b>Issue Date: 04/29/2020</b>	<b>By Order of Chief of Police</b>
<b>Rescinds: (Issue 08/13/2015)</b>	<b>CALEA Standards</b>
<b>Pages: 4</b>	<b>Referenced: 22.4.1; 22.4.2 &amp; 22.4.3</b>

**This directive consists of the following sections:**

- [22.4.1 Grievance Procedures](#)
- [22.4.2 Coordination / Control of Records](#)
- [22.4.3 Annual Analysis](#)

**POLICY AND PROCEDURE:**

The purpose of this directive is to provide a procedure to formally resolve conflicts within the Miami Township Police Department and to provide a structured method to accomplish such resolution. To provide all employees the ability to bring to the appropriate authority a dispute and have such dispute heard in an attempt to fairly resolve the difference between the employee and the employer.

Article 7, Sections 7.1 through 7.3 of the Collective Bargaining Agreements establishes an outline for labor/management meetings. These meetings are to provide a mechanism for the discussing of mutual problems. It is the intent of these meetings to discuss problems of mutual concern with the understanding that, if possible, by mutual cooperation problems will be resolved before the utilization of the grievance procedure.

**[22.4.1 Grievance Procedures](#)**

*[Scope of Matters Which May Be Disputed](#)*

For employees covered under a Collective Bargaining Agreement, the grievance procedure is outlined in Article 8 of the Collective Bargaining Agreements.

For an employee not covered under a Collective Bargaining Agreement, the employee may proceed through the grievance procedure with a dispute of a matter to which the employee is obligated under the Miami Township Policies & Procedure Manual. It is not intended that the grievance policy be used to effect changes in the sections of the Policy & Procedure Manual or those matters which are controlled by the provisions of Federal or State Law.

### *Dispute Resolution Process*

The employee shall within five calendar days of the time of the incident which led to the dispute meet with their immediate supervisor to discuss the incident. Both the employee and their immediate supervisor shall through discussion attempt to resolve the issue in dispute. The employee's immediate supervisor shall give the employee a verbal response within two working days of their formal discussion of the disputed issue.

Should the disputed issue not be resolved in verbal discussion with the employee's immediate supervisor, the employee may submit in writing to their Department Head the issue in dispute. The request for a formal dispute resolution must contain all the information listed in this directive to be considered by the Department Head. The employee must submit their written request to their Department Head within five calendar days of the date upon which they received the verbal answer from their immediate supervisor. The Department Head shall inquire into the issue in dispute and must within seven calendar days of receipt of the formal dispute notice, reply to the employee in writing as to their findings.

Should the disputed issue not be resolved through the formal inquiry and reply by the Department Head, the employee may request that the Township Administrator review the issue in dispute and render a decision. The employee must within five calendar days of receiving a written reply from their department head, request that the original written dispute notice be forwarded to the Township Administrator for review. The Department head will immediately forward the original written dispute notice to the Township Administrator, who must within seven calendar days of receipt of the dispute notice, render a written decision as to his findings of the disputed issue. At the discretion of the Township Administrator, a meeting of the employee, the employee's Department Head and Township Administrator may be held to discuss the issue in dispute. The decision rendered by the Township Administrator shall be final and no other steps shall exist in the dispute resolution process.

### *Information Required in a Formal Dispute Notice*

- Aggrieved employee's name and signature.
- Date, time and location of dispute.
- Description of incident giving rise to the dispute.
- Section, article or regulation in dispute.
- Date dispute was first discussed.
- Name of supervisor with who dispute was first discussed.
- Date dispute was filed in writing.
- Desired remedy to resolve the dispute.

The required information to file a formal dispute notice shall be prepared in memo form and forwarded to the Department Head. It shall be the employee's responsibility to maintain a copy of the original dispute notice for their personal records.

An employee may withdraw a formal dispute from the process at any time, by notification in writing to their Department Head, or by permitting the time requirements to lapse without further appeal.

#### *Time Limits*

A dispute that is not answered by the employer's representative within the stipulated time limits shall automatically advance to the next level in the dispute resolution process.

A dispute must be presented at the proper level and within the proper time to proceed through the dispute resolution process.

Time limits contained within this policy may only be extended by mutual agreement and documented in writing on the dispute notice or supplemental page to the notice.

#### *Representation*

An employee who presents an issue in dispute for processing through the dispute resolution procedure shall be responsible for representing themselves at each level of the procedure.

#### **22.4.2 Coordination / Control of Records**

The Chief of Police shall be responsible for coordination of the Grievance Procedure for the Miami Township Police Department.

For an employee covered under the Collective Bargaining Agreement, the elected FOP representative of each bargaining group shall act as a coordinator of grievances for their bargaining group.

For an employee not covered under the Collective Bargaining Agreement, the employee shall bear the responsibility to maintain the documents associated with the personal filing of a dispute.

The Chief of Police shall maintain a file of disputes presented for resolution.

- During the period of resolution, dispute files will be maintained personally by the Chief of Police in his office.
- After resolution, the completed file will be stored in an administrative file by the Chief of Police.
- Disposal shall be in accordance with Ohio public records disposal procedures.

The grievance/dispute files are considered sensitive in nature and are maintained accordingly.

The union representatives shall have the responsibility for duplication and distribution of, and its own accounting for their copies of the dispute files.

### **22.4.3 Annual Analysis**

In January of each year, the grievances/disputes filed the previous year will be analyzed by the Chief of Police to determine if there is a trend in filing grievances and, if so, a plan of action shall be developed and implemented to minimize the causes of such grievances/disputes in the future.

The annual analysis shall also include a review of supporting policies and practices. This review shall be documented in the annual analysis.

**DIRECTIVE 26.1  
DISCIPLINARY PROCEDURES**

<b>Issue Date: 04/03/2020</b>	<b>By Order of Chief of Police</b>
<b>Rescinds: (Issue 01/26/2018)</b>	<b>CALEA Standards Referenced: 26.1.1, 26.1.2, 26.1.3, 26.1.4, 26.1.5, 26.1.6, 26.1.7 &amp; 26.1.8</b>
<b>Pages: 26</b>	

**This directive consists of the following sections:**

- 26.1.1 Code of Conduct**
- 26.1.2 Employee Awards**
- 26.1.3 Harassment**
- 26.1.4 Disciplinary System**
- 26.1.5 Role and Authority of Supervisors**
- 26.1.6 Appeal Procedures**
- 26.1.7 Termination Procedures**
- 26.1.8 Records**

**POLICY AND PROCEDURE:**

The disciplinary procedures directive provides direction to employees of the Miami Township Police Department concerning conduct and appearance. These rules and regulations shall guide all members of the department in the performance of their duties unless specifically directed otherwise by the Chief of Police. The directive provides for and ensures consistency in disciplinary actions.

Miami Township utilizes positive discipline, an awards and commendation program to recognize acts of heroism, bravery and/or exceptional service exhibited by members of the department and to promote morale within, and for, the Miami Township Police Department.

**26.1.1 Code of Conduct**

*General Rules of Conduct*

**Violation of Rules** – Members shall not commit or omit any acts which would constitute a violation of any directive, procedure, policy, rule, regulation, orders or resolution of the Miami Township Police Department or of Miami Township, whether stated in a manual or elsewhere. A violation by any member may be subject to disciplinary action.

**Unbecoming Conduct** – Members shall conduct themselves at all times, both on and off duty, in such a manner as to reflect favorably upon the department and themselves. Conduct unbecoming an employee shall be that which brings the department into disrepute or reflects discredit upon the employee as a member of the department or that which impairs the operation or efficiency of the department or member.

**Immoral Conduct** - Members of this department shall maintain a level of moral conduct in their department and personal affairs which is in keeping with the highest standards of the law enforcement profession. Members shall not participate in any incident involving moral turpitude which impairs their ability to perform as law enforcement officers, which causes a negative effect upon the department's effectiveness, or causes the department to come into disrepute.

**Improper Conduct** - Members of the department shall not knowingly loiter in, visit, or frequent an establishment where the laws of the United States, State of Ohio or local Resolutions are regularly violated, except in the performance of duty. Nor shall any member associate with persons of immoral or questionable character or visit or loiter about such places frequented by such persons.

### **Use of Alcohol and Drugs**

- Members shall not use intoxicating beverages while off duty to the extent that any evidence of such consumption is apparent when reporting for work.
- Members shall refrain from consuming an intoxicating beverage to the extent that it results in impairment, intoxication, or obnoxious or offensive behavior that discredits them or the department or renders the member unfit to report to work.
- Members while in uniform or partial uniform are prohibited from consuming an intoxicating beverage whether on or off duty.
- Members shall not consume, bring into, permit, or have possession of an intoxicating beverage, unless such item is evidence, in a Township vehicle or on Township property.
- Members shall not consume an intoxicating beverage while on duty unless necessary in the performance of a police task and then only with the specific permission of a command level officer.
- Members shall not bring into, permit, or have possession of, a drug or narcotic unless such item is evidence or personal prescription medication, in a Township vehicle or on Township property.
- Members shall not use drugs or narcotics unless the drugs or narcotics are properly prescribed by a physician or dentist for illness or injury.
- Members shall at no time use any substance that will render them unfit for duty except under a physician's order.
- Members shall when on duty and using a prescription medication that is or contains any controlled substance report such usage to their immediate supervisor in writing. Such notification shall include the name of the prescription medication and the reason for such usage.

**Gratuities** - Members shall not solicit or accept, from any person, business, or organization any gifts, including money, tangible or intangible, personal property, food, beverage, loan, promise, service, or entertainment for the benefit of the member if it may be reasonably inferred that the person, business, or organization:

- Seeks to influence action of an official nature or seeks to affect the performance or non-performance of an official duty;
- Has an interest that may be substantially affected directly or indirectly by the performance or failure to perform an official duty.

**Other Transactions** - Members are prohibited from buying or selling anything of value from or to any complainant, suspect, witness, defendant, prisoner or other person involved in any cases which have come to their attention or which arise out of the members' employment except as may be specifically authorized by the Chief of Police.

**Abuse of Position** - Members shall not:

- Use their official position, identification card and or badge(s) for personal or financial gain, for obtaining privileges not otherwise available to them except in the performance of duty, or for avoiding the consequences of illegal acts.
- Provide another person their identification card and or badge(s) or permit them to be photographed or reproduced without the written approval of the Chief of Police.
- Authorize the use of their name, photograph, or official title that identifies them as a member of the department in connection with testimonials or advertisements of any commodity or commercial enterprise, without the written approval of the Chief of Police.

**Abuse of Process** - Members shall not make any false statements for the purpose of securing a charge against or the conviction of any person.

**Solicitation / Acceptance of Rewards, Loans, or Gifts** - No member shall solicit any reward for the performance of duties or seek or ask for a gratuity of any kind, individually or collectively. No member shall accept, directly or indirectly, from any person liable to arrest or to complaint, or in custody, or after discharge from custody, or from any friend(s) of any such person, any gratuity, fee, loan, reward or gift.

The department construes Gratuities, Other Transactions, Abuse of Power, Abuse of Process, and Solicitation/Acceptance of Rewards, Loans or Gifts of this article to mean that members shall not place themselves in a position where the member's private interests may appear to or may actually conflict with their official position and duties, or by reason of which the member's loyalty, objectivity or judgment may be impaired. The appearance which the member projects, as well as their actions, will be deemed by the department to be important elements in determining whether or not there is compliance with or a violation of any of these sections or parts therein.

**Calling Off from Work Sick or Injured** - Members will not falsely report themselves or have themselves reported ill or injured or otherwise deceive the department as to the condition of their health.

**Communication Regarding Orders and Regulations** - No member of the department shall communicate, except to other members of the department or to such other that a supervisor shall direct, any information respecting orders received or any regulations that may be made for the governing of the department. This shall not be construed to restrict communication between members and their attorney or labor representative.

**Care of Department Property** - Members shall be responsible for the care of department property under their control and/or issued to them. Members shall promptly report the loss of, damage to or any defect of such property. Members shall not create or contribute to the poor/damaged condition of Township equipment or property. Members may be held personally liable for the negligent loss or damage to department equipment issued directly to them. Members shall not mark, mar or deface any surface in or on any Township property or building. Members shall not mark, alter or deface any posted notices of the department or Township. Members are prohibited from posting derogatory or inflammatory notices of any type in any Township building or property.

**Dissemination of Information** - Members shall treat the official business of the department as confidential. Information shall be disseminated only:

- To those for whom it is intended.
- As directed by a superior officer.
- Under due process of law, in accordance with established departmental procedures.

Members shall not make known to any person any special or confidential order they may receive, unless required by the nature of the order.

A supervisor in accordance with established departmental policy may impart news releases to representatives of the media, upon establishing their identity.

Members may remove or copy official records or reports from the police department only in accordance with established departmental procedures.

Members shall not divulge the identity of persons giving confidential information except as authorized by competent authority.

**Public Appearances/Presentations** - Members are prohibited from public appearances/presentations that directly or indirectly relate them to the Miami Township Police Department, unless such appearance or presentation is approved by the Division Commander in charge of the area of content of the appearance or presentation.

**Communication Policy** - The proper use of the Township communication system is essential for all employees. The Township communications systems are Township property and their purpose is to facilitate Township business. Every employee and any

other person granted permission to use the Township communication system, including elected Township officials, have a responsibility to maintain and enhance the Township's public image and an obligation to use the communication system in accordance with this policy.

The Township communication system is defined, but not limited to, Township computers, network infrastructure, telephone, cellular telephones, paging systems, voicemail, I-pad or other tablet computer devices, internet, software programs, e-mail, websites, Facebook pages or other social networking sites and any other similar wireless devices, programs or systems.

The Township has established this policy with regard to access, use and disclosure related to the communication system. The Township reserves the right to change the Township communication system at any time as may be required under the circumstances without notice.

The Township communication system is for the purpose of conducting Township business in a professional manner. The Township communication system may not be used for transmitting, retrieval, or storage of any communications of the following nature:

1. Obscene, sexually graphic or X-rated;
2. Harassment of any kind;
3. Derogatory, offensive, or discriminatory remarks about an individual's race, gender, age, disability, national origin, physical attributes, religious or political beliefs, or sexual preference;
4. Abusive, profane or offensive language;
5. Commercial activities;
6. Political activity;
7. Support for causes other than those sponsored by, or organized by, the Township;
8. Illegal activities;
9. Communications which hide or forge the identity of the sender as someone other than the person sending the communication;
10. Any other purpose against any Township policy or which is determined by the Township Administrator to reflect poorly on the Township.

All messages sent using the Township communication system are and remain the property of the Township and not the private property of any user. No user has any ownership interest of any kind in any communication made, stored, or received using the Township communication system.

All installed software must be registered and licensed to the Township. License information and the original media must be stored with the Multi-Media Coordinator. It is permissible to make a single copy of any Township software for reference or back-up purposes. There will be no downloading or installing of any software that is not used for Township business. The communication system shall not be used to knowingly send, upload, or receive any unauthorized copyrighted materials, including, but not limited to,

trade secrets, proprietary financial information, or similar materials without appropriate authorization of the Township Administrator or their designee.

The Township Administrator, or their designee, reserves and intends to exercise the right to review, audit, share, intercept, access and disclose all messages created, received, stored or sent over the Township communication system for any purpose without the permission of the user. The Township may monitor usage patterns, cost analysis/allocation and compliance with this policy.

Communications that document the organization, functions, policies, decisions, procedures, operations or other activities of the Township are public records. Communications made using the Township communication system should be presumed to be public and not confidential. Even when a message is erased, it is still often possible to retrieve that message. Further, the use of passwords or access codes does not guarantee confidentiality. All passwords or access codes to any Township communication system must be disclosed to your Department head and/or the Township Administrator, if requested.

All users shall not use a code, access a file, or retrieve any stored information, unless authorized to do so. Employees should not attempt to gain access to another employee's messages or files without the person's permission.

All users are responsible for the content of all messages that they have sent or stored using the Township's communication system.

Anyone using a desktop computer, laptop computer, I-pad or other similar device shall regularly download to the Township computer server all information contained on such device. No employee shall leave any Township communication system in a place such that it may be accessed or used by persons not authorized to do so.

Any user who abuses the privilege or the Township's communication system will be subject to discipline or corrective action, including, but not limited to, termination of their employment. If necessary, the Township also reserves the right to inform the appropriate law enforcement agency or officials regarding any illegal violations or suspicious activity involving the Township communication system.

### Cellular Telephones

Cellular telephones shall be issued only to those employees with a demonstrated need for these types of communication. Cellular telephones shall be authorized by the appropriate Department head or the Township Administrator.

Employees must safeguard any Township owned or contracted cellular telephone in their possession.

The loss of any Township owned or contracted cellular telephone shall be reported to the employee's supervisor immediately. If theft is suspected, the Township police department

and any other police department with jurisdiction over such matter shall also be notified and a theft report will be filed.

Employees shall exercise extreme caution when driving and talking on a cellular telephone. Unless utilizing "hands free" speakerphone, Blue-Tooth, or other similar device, employees should make a reasonable effort to stop their vehicle, as soon as safely possible, to use cellular telephones. When responding to an emergency situation, police and fire employees shall defer to any directives issues by their department head regarding the proper use of cellular telephones and adhere to any state laws or regulations regarding the same.

When an employee no longer has a demonstrated need for the cellular telephone or pager, or when the employee's employment is terminated or suspended, that employee shall immediately return any cellular telephone or pager, and any related equipment, to the Township. If an employee has a password on their cellular telephone, they shall provide it to their department head or the Township Administrator upon surrender.

Non-compliance with this policy may result in discipline as determined by the Department head or the Township Administrator.

### Social Media

The Township expects employees to be conducting Township related business when working. Employees are not permitted to access, or make postings on, personal websites, or social networking sites, when they are working without the approval of their department head or the Township Administrator. This shall not include postings being made by the Multi-Media Coordinator, or their designee, as outlined herein. Department heads may access or authorize other employees to access such websites or make such postings when it is in the interest of the Township to accomplish its mission or responsibilities. When employees make postings on personal websites, or social networking sites, related to matters that affect the Township, they shall include a disclaimer making it clear to others that such postings or opinions are being made in their personal capacity and not as an employee or authorized representative of the Township. Employees making a posting to a personal website or social networking website should carefully consider whether the posting will negatively reflect upon the Township or the employee and possibly negatively impact the ability of that employee or the Township to perform public duties without bringing unwanted scrutiny to the employee's morality, credibility or integrity.

### Township Websites

Any proposed additions and/or deletions of content, regardless of how minor, to the Township websites must be approved by the Department head responsible for that particular site content. The Multi-Media Coordinator is responsible for the maintenance and content of Township websites as well as the Township Facebook page and suggestions for additions/deletions must be submitted through that person. Additions of content or direct links beyond normal Township business must be authorized by the

Township Administrator based upon the following criteria: the linkage has an economic benefit to the Township community, the linkage is a site of interest that is related to the Township's mission, or the linkage is a site of interest to the Township.

Violations of any guidelines listed above may result in disciplinary action up to and including termination. The Township may advise appropriate law enforcement agencies or officials of any illegal violations or suspicious activity.

**Personal Preferment** - No member, unless within the scope of their assignment, shall seek the influence or intervention of any person outside the department for purposes of personal preferment, advantage, transfer or advancement within the department.

### Rules of Duty

**Reporting for Work** - Members shall report for work at their assigned time.

**Appearance Standards** - Members shall appear for duty neatly and properly groomed. Members shall adhere to the uniform and personal appearance standards outlined in Miami Township Directive 22.1, Section 22.1.6 Clothing and Equipment.

**Availability** - Members shall be subject to call in, at times of emergency.

**Knowledge of Procedures** - Members shall have working knowledge of the policies and procedures of the department and Miami Township.

**Knowledge of Job** - Members shall thoroughly acquaint themselves with the duties of the office, position, or employment they hold. They shall perform the duties promptly and properly.

**Knowledge of Laws** - Members shall have a working knowledge of the laws of The State of Ohio and resolutions of Miami Township. Each Member shall take appropriate action when confronted with a violation of such law or resolution while in the performance of their sworn duties.

**Conformance to Laws** - Members shall obey all laws of the United States of America, and of any state or jurisdiction in which they are present.

**Conformance to Rules and Regulations** - Members shall conform to and abide by the Rules and Regulations of the Miami Township Police Department and Miami Township.

**Performance of Job** - Members shall perform their job functions in such a manner that will establish and maintain the highest standard of efficiency. No member shall leave their assigned duties or fail to complete a duty until that member has been properly relieved.

**Attention to Job** - Members shall devote their whole time and attention to the business of the department while on duty, being prepared to perform their job functions at all times. Each member reporting for duty shall acquaint themselves with all relevant events that have transpired since their last tour of duty.

**Performance of Duty** - Members shall diligently, completely, and without delay carry out the duties of their position. Members shall be held responsible for the proper performance of the duties assigned to them. A member who encounters a problem that they are unable to resolve shall consult the Departments Procedure Manual for guidance or when necessary contact their immediate supervisor for assistance.

**Assistance To Other Members** - Members shall without hesitation as needed or as called upon assist any other member of the department in accomplishing the goals, objectives and mission of the department.

**Performance of Other Duties** - Members shall perform all such other duties as may be required of them when directed to by supervisory personnel.

**Familiarization with Jurisdiction** - Members shall become thoroughly familiar with Miami Township, including location of streets, public buildings/places, geographical boundaries and such other knowledge which enables them to efficiently and effectively carry out their duties and render helpful and correct information and assistance when requested or required.

**Investigation Involving Friend, Neighbor, or Relative** - Officers will not investigate any incident involving any close friend, neighbor, or relative. Should the circumstance arise where an officer is dispatched to handle such an incident, the officer will notify the shift supervisor who will direct another officer to handle the detail.

**Requesting Information** - Members who have occasion to inquire as to their duties concerning any matter whatsoever shall seek such information and/or guidance from their immediate supervisor.

**Personal Equipment/Items** - Members are only permitted to keep/store one standard size brief case in the trunk of their assigned vehicle. Only one pursuit case, auto desk or carrying case is permitted to be kept in the front passenger compartment of the vehicle. No personal items (except one briefcase) or equipment are to be kept or stored in an officer's assigned vehicle other than when the officer is working.

**Vehicle Usage** - Every member is responsible to inspect their assigned department vehicle for damage, malfunctions, proper maintenance and to ensure that all assigned vehicle equipment is present.

### *On-Duty Conduct*

**General Conduct** - A member's conduct must be civil and orderly. In the performance of their duty members must maintain decorum, alertness, command of temper, patience, and discretion. They must refrain from harsh, violent, profane, or insolent language, and when required, act with firmness, persistence and vigor. When an inquiry is made of them, they shall answer in a courteous and complete manner. When asked by any person, a member shall in a respectful manner provide that person with their name, position and unit number.

**General Duties** - The General duties of all sworn members of the Miami Township Police Department are:

- The protection of life and property, including finding care for those who cannot care for themselves.
- To create and maintain a feeling of security in the community.
- To reduce the opportunities for crime.
- To detect crime and criminals, apprehend violators and testify in court.
- To resolve conflict and preserve the public peace.
- To enforce all laws and resolutions.
- To provide other police services to the community.

**Courtesy** - Members shall be courteous to the public. They shall at all times be tactful in the performance of their duties, and exercise the utmost patience and discretion, regardless of provocation. While in the performance of their duties, members will not express verbally or by action any prejudice concerning race, religion, political affiliation, national origin, lifestyle, personal characteristic, physical or mental disability.

**Request for Service or Assistance** - A member will when any person requests or requires a report, assistance or information, obtain all pertinent information and will take whatever action necessary to properly and judiciously resolve the matter consistent with established departmental procedures. Members shall attend to requests from the public quickly and accurately, avoiding unnecessary referral to other bureaus of the Department or Township.

**Obedience to Orders** - Members of the department will 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.

**Neglect of Duty** - Members shall not sleep on duty, loiter in public places, conduct personal business, read for pleasure, play games, watch television or movies, loiter at their residences or otherwise engage in entertainment or non work related matters while on duty. This does not restrict reasonable activities engaged in during authorized meal breaks, not in public view. All personnel will update their status on the MDC when stopping at any private residence, if not dispatched there for an initial call for service or as part of a call for service. This status update includes any private residence, including the officer's own residence, for any purpose.

**Cowardice** - Members shall act promptly, with courage and firmness, in the event of any crime, disorder or other act or condition requiring police attention. Any member who fails to take appropriate action when faced with a dangerous or hazardous situation will be subject to disciplinary action for cowardice, an act of gross misconduct.

**Citizen Complaints** - Members shall attempt to resolve a citizen's complaint by explaining legitimate police/departmental procedure. Members shall when unable to resolve a complaint courteously direct the complainant to a supervisor who shall record the complaint in accordance with department policy.

**Recommendations, Endorsements, and Referrals** - Members of the department shall not recommend or suggest in any manner, the employment or procurement of a particular

product, professional service, or commercial service (attorney, tow service, etc.). When such service is necessary and the person needing the service is unable or unwilling to procure or requests such service, members shall proceed in accordance with department procedures. Members shall not furnish bail or bond, nor obtain attorneys or bond persons for prisoners.

**Controversial Opinions** - Members shall avoid expressing any opinion on religious, political or other questions, the nature of which is controversial, and shall not speak derogatorily of any nationality or any person. Members shall refrain from discussing the merits of any law or Township Resolution in public.

### **Use of Tobacco**

- Members will not use tobacco in any form when in direct contact with, or in view of the public.
- Members shall not use tobacco in any form in any Township owned or controlled building.
- Members shall not use tobacco in any form in any Township owned or controlled vehicle.

### *Internal Conduct*

**Satisfactory Performance** - Members shall maintain sufficient competency to properly perform their duties and assume the responsibilities of their positions. Members shall perform their duties in such a manner as to maintain the highest standards of efficiency in carrying out the functions and objectives of the department. Training requirements, for members to adequately perform their job functions, will be identified by the supervisor who will take appropriate measures.

**Unsatisfactory Performance** may be subject to disciplinary action. Unsatisfactory Performance may be demonstrated by, but not limited to:

- A lack of knowledge of the application of laws.
- An unwillingness or inability to perform assigned or required tasks.
- The failure to conform to work standards established for the member's rank, or position.
- The failure to take appropriate action on the occasion of a crime, disorder, or other condition requiring police action; including failing to answer any radio call or telephone call.
- Absence from duty without authorized leave; failure to work on time or quitting before the proper time.
- Repeatedly poor evaluations or a written record of repeated infractions of the directives, procedures, policies, rules of regulations of the department/Township.

**Truthfulness** - Members shall in all matters at all times tell the truth, whether or not under oath, unless the exigencies of an assignment or investigation prohibit it. Members shall not make false statements to or withhold information from supervisory officers when questioned or interviewed.

**False Reports** - No member shall make a false report of any nature, either in writing or verbally.

**Insubordination** - Members shall promptly obey any lawful order of a superior officer or supervisor. This will include orders relayed from a superior officer by an officer of the same or lesser rank. Failure of any member to promptly obey a lawful order shall be deemed as insubordination.

**Relationships with Other Members** – Each member shall treat all other members in a courteous and considerate manner. Each member will address other members in a respectful and civil manner. Surreptitious audio/video recording of any member of the department by another member is prohibited.

**Criticism of Other Members** - No member shall maliciously gossip about the personal character or conduct of another member of the department to the detriment of such member. No member shall speak critically or derogatorily to other members or to any person outside the department regarding; the acts, orders, or instructions issued by a superior officer.

**Criticism of the Department** - No member shall communicate information of a critical nature concerning the department or the township to any person or agency unless such criticism is in the form of a written communication to the Chief of Police by an employee expressing a concern for improvement of the department.

**Complaints Against Other Members** - Any member who feels aggrieved by any other member of the department shall attempt to resolve such problem with the alleged offending member. Any dispute that cannot be resolved by the members shall be referred to an immediate supervisor for resolution. Should a member have a complaint against a superior, that member after being unsuccessful in resolving such problem with the superior, shall direct a letter through the chain of command to the Chief of Police explaining such problem and requesting assistance to resolve such dispute. No superior shall fail to expeditiously forward such communication.

**Duty to Report Members** - Members of the department shall report to their superior officer any violation of a policy, procedure, rule or regulation, or any conduct of another member that is of such a nature that it would cause embarrassment to the department.

#### *Off-Duty Conduct & Rules*

All general rules of conduct of this directive apply to members when off-duty. Members while off duty shall abide by all other policies and procedures applicable to members of the department while not working.

Members when off-duty but in uniform, shall conduct themselves as if they were on duty.

Members of this department are always considered to be on call and subject to order to report to duty when their services are required.

**Political Activity** - Members shall be free to vote as they choose and to express their opinions on all political issues and candidates. It is not the intent of this article to restrict a member's activity while off duty and/or out of uniform. However, members shall use caution to ensure such work is not construed as related to his employment with the Township. Members shall not in any circumstance:

- Use their office to influence elections or nominations or for other political purposes;
- Solicit or receive political contributions while on duty and/or in uniform;
- Require other members to make political contributions;
- Use political influence in connection with other member's employment status.

**Firearm** - Sworn members may carry a weapon while off-duty in accordance with Ohio Revised Code Sections 2923.12; 2923.121; 2923.122; 2923.123; 2923.126 (D); 2923.16; and 1547.69 and subject to the provisions of the Miami Township Police Department Use of Force Directive. An off-duty weapon shall not be carried in plain view, or otherwise in such a manner that would be normally discernible through casual observation.

**Witnessing a Criminal Act** – Members, when off duty, are required to act upon witnessing a criminal violation should take one of the two following courses of action:

- Act as a trained observer and communicator; or
- Take appropriate enforcement action. To determine what action is appropriate members should consider the type of criminal violation (felony or misdemeanor), whether the officer can reasonably expect to exercise control of the situation while acting alone; without the benefit of formal police communication, and without readily available assistance and whether the member has sufficient equipment (firearm, handcuffs, etc.) to appropriately complete enforcement action. Enforcement action should only be undertaken when the member can reasonably expect to exercise the same degree of control and action as would be expected in an on-duty capacity.

**Law Enforcement Contact** - Members who have direct or indirect contact with any other law enforcement officer or agency under the following circumstances are required to notify a Command Level Officer within 24 hours.

- Members who are arrested or issued a traffic citation must notify a Command Level Officer within 24 hours of the arrest or citation.
- Members who have contact under any other circumstance where they are identified as a Miami Township Police Department employee must notify a Command Level Officer within 24 hours.
- In the event an immediate family member is arrested for any misdemeanor or felony criminal offense, members must notify a Command Level Officer within 24 hours.
- In the event a Miami Township Police Officer arrests or issues a citation to a Police Officer from any other agency, members must notify a Command Level Officer within 24 hours.

**Telephone** - Members will maintain a working telephone and provide the department with the telephone number. Members shall inform the Assistant to the Chief of Police in writing of any change in their telephone number within twenty-four (24) hours of such change.

**Residence** - Members will provide the Department with their current residential address. Members shall inform the Assistant to the Chief of Police in writing of any change in their residential address within twenty-four (24) hours of such change.

**Driver's License** - Members of the Department who by the nature of their assignment may be required to operate a Township vehicle shall have a valid Ohio driver's license. Members of the department who are required to maintain a valid operators license shall immediately notify the Chief of Police in writing of any seizure, revocation or action taken against their operators license by any government entity.

**Payment of Debts and Notification of Legal Action** - Members of the department shall promptly pay all just debts and legal liabilities incurred by them. Members shall notify the Chief of Police in writing of any lawsuits or legal action initiated against them or by them which is directly related to their position or the performance of their duties with the department.

**Disclosure of Information** - Members shall not disclose the home address, telephone number or any other personal information of any member of the department without such member's approval.

### **26.1.2 Employee Awards**

#### **Recommendation for Award or Commendation**

A member of the police department or any private citizen may submit a letter of recommendation for an award or commendation to any member of the Miami Township Police Department, and it shall be forwarded to the Awards Committee. Any such letter shall contain the nominee's name and a summary of facts concerning the recommendation. The Awards Committee shall review any submitted recommendations for awards and approve or disapprove the recommendation, and then forward their recommendation to the Chief of Police. Eligibility for awards and commendations shall be open to all members of the police department. Members of other law enforcement agencies may be recommended and awarded a Miami Township Police Department Award/Commendation for acts of heroism, bravery, or other meritorious acts when committed within Miami Township or while in assistance to the Miami Township Police Department.

The Chief of Police shall award all citation bars, medals, and certificates to the honoree entitled to such award. Letters and/or certificates shall cite meritorious acts and a copy of such letters and/or certificates shall be placed in and become a permanent part of the

member's personnel file. Only one award is authorized per individual for any one incident.

#### Awards Committee

An Awards Committee shall be established and is to be composed of a Command Level Officer, a first line supervisor, two sworn officers, a civilian employee and a representative from the Fraternal Order of Police. The Awards Committee members shall be appointed in writing by the Chief of Police or designee. The Awards Committee shall be responsible to review any submitted recommendations for any award. The Awards Committee shall make a written recommendation to the Chief of Police concerning awards to be made. All other awards/commendations are made pursuant to the guidelines as set forth for such award or commendation in this policy.

#### Commendations

**Written Commendations** - This award is conferred upon members who, in the course of their duties perform in a manner to warrant recognition beyond a verbal commendation but less than a meritorious service award. This award consists of a formal letter that describes the circumstances justifying the award. The document shall be signed by the supervisor providing the commendation. A copy shall be placed in the recipient's personnel file.

**Meritorious Service Commendation** - This award is conferred upon a member who performs an action or actions that warrants formal recognition but is not otherwise covered in the awards program. Such action must demonstrate outstanding diligence and perseverance, or initiative, or the person to be recognized must have rendered exceptional service and therefore brought good and honorable credit to the department. Nominations shall be submitted to the Awards Committee naming the department member and outlining the reasons justifying the commendation. The certificate shall be signed by the Chief of Police. A copy of the certificate shall be placed in the employee's personnel file. The award consists of a citation bar, medal decoration and certificate.

#### Awards

**Medal of Honor** - May be awarded to any member who voluntarily distinguishes himself or herself by displaying extraordinary heroism and/or bravery with minimal risk to innocent parties. The member must be aware of any imminent threat to their own personal safety. Their actions must be above and beyond the call of duty and at the risk of the individual's personal safety. The action must be one that if not done would not reflect negatively on the member. This award does not require the officer to have performed the act while on duty. The Medal of Honor may be awarded posthumously to the family of an eligible member who lost his or her life during the incident. The award shall consist of a citation bar, medal decoration and certificate.

**Award of Valor** - May be awarded to any member of the department who, while in the line of duty, is injured or wounded in combat during the apprehension or attempted apprehension of a suspect. The injury must be serious enough to warrant medical

treatment and an absence from regular duty for a significant period of time. The award shall consist of a citation bar, medal decoration and certificate.

**Life Saving Award** - May be awarded to any member of the department whose action prevented the imminent death of any person. Should a member prolong a person's life to the extent that the victim can be released to the care of medical authorities, but that person eventually expires, that member shall still be considered for the award. This award does not require the officer to have performed the act while on duty. The award shall consist of a citation bar, medal decoration and certificate.

**Police Service Award - Police Department Employee of the Year** - This award is conferred upon a member of the department for exceptional action, heroic action, sustained high-level performance, and/or regular contributions to improving the department. This award is conferred annually. Any department member or citizen may nominate any other member of the department for candidacy by letter to the Chief of Police. Persons nominated or nominating will be ineligible to serve on the Awards Committee for purposes of making this selection. Criteria for selection will include, but not be limited to, considering such facts as receipt of department awards, disciplinary actions, citizen commendations, overall productivity, community involvement, supplemental duties, contributions to the department, and a general level of professionalism as exhibited by appearance, bearing, attitude, and demeanor. The award shall consist of a plaque, citation bar and medal decoration. A silver or gold star added to the ribbon will designate subsequent selection.

**Educational Attainment Award** - Shall be awarded to any member of the department who has achieved personal development academically and has a degree conferred upon them by an accredited college or university. The Degree must be any of the normally recognized degrees Associate, Bachelor, etc. Employees upon graduation from a law enforcement police management program designed to provide officers with skills for increased responsibility in command positions shall also be awarded an Educational Attainment award. These awards shall consist of a citation bar and medal decoration.

**Safe Driving Award** - Shall be awarded to any member of the Department whose normal duties require the regular operation of department motor vehicle, who completes one calendar year (January 1 to December 31) without a chargeable auto accident. This award shall consist of a citation bar and medal decoration.

**Military Service Award** - Shall be awarded to any member of the Department who serves or previously served any branch of the United States Military in the defense and protection of the United States or her allies. This award shall consist of a citation bar and medal decoration.

**Unit Citation** - Shall be awarded to any unit nominated and recognized for exceptional actions, sustained high-level performance and or regular contributions to improving the department and community. This award shall consist of a certificate to all recognized unit members.

**County Law Enforcement Recognition Award Ribbon** –Any officer who has been awarded a county law enforcement recognition award shall be awarded a citation bar and medal decoration. Subsequent awards will be designated by a silver or gold star.

**Civilian Service Award** - Shall be awarded to any civilian nominated and recognized for exceptional service to the department or any member of the department. This award shall consist of a medal decoration and certificate.

**Saved by the Belt** – Shall be awarded to any officer or citizen nominated and recognized for their life being saved by use of a seatbelt. This award shall consist of a pin and certificate.

#### *Wearing of Citation Bars*

Members wearing the department dress uniform shall display their citation bar(s) in a cluster holder on the left side of their dress blouse.

### **26.1.3 Harassment**

Miami Township strictly prohibits sexual harassment of its employees in the workplace by any person in any form. Sexual Harassment is considered to be gross misconduct as the term is defined by the Personnel Policies and Procedures Manual and the Collective Bargaining Agreements. Any person who is found to have engaged in Sexual Harassment shall be subject to disciplinary procedures set forth in the appropriate disciplinary sections of this handbook or the collective Bargaining Agreements. The following types of behavior have been found by Courts and/or Governmental Agencies to constitute Sexual Harassment:

- Uninvited pressure for sexual favors.
- Uninvited and deliberate touching, leaning over, cornering or pinching.
- Uninvited sexually suggestive looks or gestures.
- Uninvited letters or phone calls or materials of a sexual nature.
- Uninvited pressure for dates.
- Uninvited sexual teasing, jokes, remarks or questions.
- Sexual advances made by a supervisor to a subordinate.
- Retaliation against an employee for refusing a sexual advance by a supervisor or unjustified criticism of an employee after rejection of a sexual advance by a supervisor.
- Invitations to an employee to spend the night.
- Insistence that an employee engage in sexual conduct.
- A request that an employee begin a sexual relationship from a supervisor and/or another employee.
- A request, by a supervisor or another employee, that an employee leave a spouse.
- Vulgar and/or offensive sexual epithets.
- Posters of nude or semi-nude men and/or women displayed in common areas of the workplace.

- Touching or caressing an employee in a sexual or non-sexual manner.

This list is intended to be representative only of the types of behavior which have led to findings of sexual harassment. This list is not all inclusive of the types of conduct that could lead to a charge of sexual harassment. Behavior of the type set forth above and/or any other behavior that could lead to a charge of sexual harassment shall be treated as misconduct and will lead to discipline as appropriate. All employees of Miami Township are expressly prohibited from engaging in any of the activities set forth above or any other activities that could be construed to constitute sexual harassment of either fellow employees or residents of the Township.

No Township Supervisor shall threaten or insinuate, either explicitly or implicitly, that an employee's refusal to submit to sexual advances will adversely affect that employee's employment, evaluation, compensation, advancement, assigned duties, shifts or any other conditions of employment or career development. The Township recognizes that the question of whether a particular action or incident is a purely personal, social relationship without a discriminatory effect requires a factual determination based upon all facts in the matter. Given the nature of this type of discrimination, the Township also recognizes that false accusations of sexual harassment can have serious effects on innocent employees. The Township trusts that all employees of the Township will continue to act responsibly to establish a pleasant working environment free of hostile acts or gestures on the part of any of its employees.

In order to facilitate an investigation of charges of sexual harassment that will protect the rights of both the accused and the accuser the following procedure will be used.

All charges of sexual harassment must be reduced to writing, must indicate the name of the individual involved, and indicate specifically what conduct on the part of that individual supports the charge of harassment. The charge must be filed with the Chief of Police or the Township Administrator. A charge filed with the Chief of Police will be forwarded to the Township Administrator and within twenty-four (24) hours after receipt of a charge, the Administrator will cause an investigation into the charges to take place either by himself or appropriate investigative techniques available to him/her. Said investigation shall be pursued in a confidential manner with respect to the rights of both the accused and the accuser. Upon completion of the investigation, the Administrator shall cause a report to be filed with the appropriate disciplinary official. Disciplinary action shall then be taken in accordance with the respective Collective Bargaining Agreements and/or the Township Personnel Policies and Procedures Manual.

In order to sensitize the employees of Miami Township with respect to the issue of sexual harassment a copy of this amended policy shall be posted at appropriate places within the Township. The Township Administrator will make themselves available to respond to any inquiries by Township employees and/or conduct any sessions with employees the Township Administrator deems appropriate in resolving or sensitizing employees to these complaints.

Miami Township strictly prohibits any other form of unlawful harassment in the

workplace. Unlawful harassment is conduct that has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment.

#### **26.1.4 Disciplinary System**

The Miami township disciplinary system is comprised of the following:

**Training** – Supervisors are encouraged to recommend such a course of action if, in their opinion, training or retraining of a department employee will produce the desired change in behavior and improve the member's productivity and effectiveness.

The supervisor will document the training needed and the employee involved. That memo will be forwarded to the Division Commander.

After consultation with the supervisor involved, the Division Commander may direct the Training Officer to schedule appropriate training as it is available.

**Counseling** - Counseling may be informal, conducted by a supervisor or formal counseling with the employee being referred to a qualified counselor. Counseling may be used in either the proactive or reactive sense.

Informal counseling is usually conducted by a supervisor when an employee's behavior or conduct is not what is expected or required. An informal counseling session will be documented utilizing Guarding Tracking.

Formal counseling may be offered to or required of, a department employee who in the opinion of their supervisor would benefit by referral to a qualified counselor.

The supervisor will document the need for formal counseling in a memo and forward that through the chain of command to the Chief of Police.

A final decision on the need for formal counseling and who will be used for the counseling rests with the Chief of Police.

**Punitive Disciplinary Action** - Procedures for actions such as verbal warning, written reprimand, suspension without pay for up to 30 days, reduction in classification or discharge are set forth in the Collective Bargaining Agreement for contract employees and in the Miami Township Personnel Policies and Procedures Manual for non-contract employees.

The level of any disciplinary action will be geared to the employee's disciplinary history and the severity of the offense.

## **For Employees Covered Under the Collective Bargaining Agreement, Article 9 of the Collective Bargaining Agreements**

**Disciplinary Violations** - Any employee may be disciplined for the following infractions: incompetency; inefficiency; dishonesty; drunkenness; immoral conduct; insubordination; discourteous treatment of the public; neglect of duty; absence without leave; and any other failure of good behavior or any other acts of misfeasance; malfeasance; or nonfeasance which adversely affects the ability of the Township to provide services to the public. No employee shall be disciplined except for just cause. The employer may take this type of action while the employee is on duty, working under the colors of the employer; or off-duty representing himself as an employee of the Police department. The employee may not be disciplined for actions on his own time that do not reflect directly on the police department or do not violate any State or Federal statutory provisions.

**Forms of Discipline** - In initiating discipline, the employer agrees to the following forms of discipline:

- Verbal Warning
- Written Reprimand
- Suspension without pay, for up to 30 days
- Reduction in classification or Discharge

For members of the Collective Bargaining Agreement between the Miami Township Board of Trustees and The Fraternal Order of Police, Sergeants Contract only, the following applies: Except in gross misconduct, the Employer agrees to use progressive discipline.

Except for infractions involving suspension of more than three days or discharge, said discipline shall be at the sole discretion of the Chief of Police (or designee). Before initiating discipline, the supervisor recommending discipline shall attempt to resolve the infraction by discussing the infraction with the employee. The employer may issue verbal warnings or written reprimands without prior notice where the employer feels that immediate discipline is warranted. Such warnings and reprimands may be appealed through the grievance procedure up to and including Step 3 only.

In cases where the Chief of Police or his designee, determines that any suspension, reduction in classification or discharge may be the appropriate remedy, they shall notify the employee of the charges supporting the discipline requested. The employee may request full disclosure of all statements and related documents or other evidence supporting the disciplinary action. The employer will provide copies at no cost to the employee. Within forty-eight (48) hours of receipt of this notification, the employee must notify the employer in writing whether the employee intends to contest the suspension or discharge. A pre-disciplinary conference will be scheduled between the employee, a FOP representative (if the employee desires) and the Chief of Police or his designee, and the Township Administrator/Safety Director no sooner than five (5)

working days from when the notice from the employee is received. At the pre-disciplinary conference, the Township Administrator shall act as a neutral hearing officer. The Township Administrator shall take evidence from both the Police Chief or his designee, and employee as to the nature of the infraction and the reasons why suspension or discharge is warranted. The employee may appear at this pre-disciplinary conference with or without a representative and may, without penalty, either participate or not participate in the presentation of evidence. The employee may waive a pre-disciplinary conference by filing a written waiver with the Township Administrator along with his notice to contest his suspension or discharge. At the pre-disciplinary conference, the employee shall have the right to call witnesses on his behalf or present any other evidence he feels is warranted in his defense. In addition, the employee may cross-examine witnesses including the Police Chief or his designee. The employee shall be entitled to one continuance of the pre-disciplinary conference for a period not less than five (5) days or more than ten (10) days. The pre-disciplinary conference will be recorded at the request of either party. Either party may provide a written brief to the Township Administrator prior to the pre-disciplinary hearing provided the other party is also provided a copy. Within seventy-two (72) hours of the conclusion of the pre-disciplinary conference, the Township Administrator will issue a written opinion of his findings and recommendations. The Township Administrator/Safety Director shall have authority to suspend an employee for up to three (3) days if said suspension is the appropriate measure of discipline. If suspension of more than three (3) days, reduction in classification or discharge is recommended, the Township Administrator/Safety Director will transmit this recommendation to the Board of Trustees for action at their next regularly scheduled meeting or at a special meeting called for that purpose. The employee has a right to appear at the scheduled meeting of the Board of Trustees, with or without representation, to contest the recommendation of the Township Administrator/Safety Director. At the meeting, the Board of Trustees will review all materials and testimony submitted by the employee, Police Chief or his designee, and Township Administrator/Safety Director, and may call such other witnesses as the Board determines necessary to make a decision. Upon review of this information, the Board of Trustees will either: accept; accept with modification; reject or reject with modifications, the recommendation of the Township Administrator/Safety Director. The employee has a right to have this meeting held in an open or closed session pursuant to Section 121.22 (G) (1) of the Ohio Revised Code. A police officer who has been awarded a certificate attesting to satisfactory completion of an approved State, county or municipal police basic training program, as required by Section 109.77 of the Revised Code, may be removed or suspended only under the conditions and by procedures in section 505.491 to 505.495 of the Revised Code.

### **For Employees Not Covered Under the Collective Bargaining Agreement**

**Disciplinary Violations** - Any employee may be disciplined for the following infractions: incompetency; inefficiency; dishonesty; drunkenness; immoral conduct; insubordination; discourteous treatment of the public; neglect of duty; absence without leave; failure to comply with general safety rules and regulations; working under the influence of alcohol and/or drugs; and any other failure of good behavior or any other acts of misfeasance, malfeasance, or nonfeasance which adversely affects the ability of

the Township to provide services to the public.

**Forms of Discipline** - In initiating discipline, the employer agrees to the following forms of discipline:

- Documented verbal warning
- Written reprimand
- Suspension without pay, for up to thirty (30) days
- Reduction in classification
- Discharge

Except in gross misconduct, employer agrees to use progressive discipline. Gross misconduct is defined for purposes of this policy as any infraction which endangers the health and safety of any Township officer or employee or citizen; any action which subjects the Township to civil or criminal liability of any form; repeated absences without leave; and any other conduct of the employee which the Employer feels could prevent the employer from providing services to the Township. In all cases of gross misconduct upon the recommendation of the Department Head, the Township Administrator may suspend the employee with pay during the investigation period but in no event shall the suspension exceed ten (10) working days.

Except for infractions involving suspension, reduction or discharge said discipline shall be at the sole discretion of the Department Head or his designee. Before initiating discipline, the Department Head shall attempt to resolve the infraction by discussing the infraction with the Employee. The Department Head may issue verbal warnings or written reprimands without prior notice where the Department Head feels that immediate discipline is warranted.

In cases where the Department Head determines that suspension, reduction or discharge may be the appropriate remedy, they shall notify the Employee of the charges supporting the discipline requested. The Employee may request full disclosure of all statements and related documents or other evidence supporting the disciplinary action. The Department Head will provide copies at no cost to the employee. Within forty-eight (48) hours of receipt of this notification, employee must notify Department Head in writing whether employee intends to contest the suspension, reduction or discharge. If no written notice is received from employee within forty-eight (48) hours, then the Department Head will notify the Township Administrator that suspension, reduction or discharge of the Employee is warranted, and the Township Administrator will effectuate the suspension, reduction or discharge. If employee chooses to contest the suspension, reduction or discharge a pre-disciplinary conference will be scheduled between the employee, Department Head, and Township Administrator no sooner than seventy-two (72) hours of notice from the Employee is received. At the pre-disciplinary conference, the Township Administrator shall act as a neutral hearing officer. The Township Administrator shall take evidence from both the Department Head and employee as to the nature of the infraction and the reasons why suspension, reduction or discharge is warranted. The employee may appear at this pre-disciplinary conference with or without a representative and may, without penalty, either participate or not participate in the presentation of evidence. The employee may waive a pre-disciplinary conference by filing a written

waiver with the Township Administrator along with his notice to contest his suspension, reduction or discharge. At the pre-disciplinary conference, the employee shall have the right to call witnesses on his behalf or present any other evidence he feels is warranted in his defense. In addition, employee may cross-examine witnesses including the Department Head. The employee shall be entitled to one continuance of the pre-disciplinary conference for a period not less than five (5) days or more than ten (10) days. Pre-disciplinary conference will be recorded at the request of either party. Either party may provide a written brief to the Administrator prior to the pre-disciplinary hearing provided the other party is also provided a copy. Within seventy-two (72) hours of the conclusion of the pre-disciplinary conference, the Township Administrator will issue a written opinion recommending either discharge or some other form of discipline. This will be transmitted to the Board of Trustees for action at their next regularly scheduled meeting or at a special meeting called for that purpose. The employee has a right to appear at the scheduled meeting of the Township Trustees to contest the recommendation of the Township Administrator. Pursuant to Revised Code Section 121.22(6), the employee has a right to have this matter discussed in an open session. If the employee does not request consideration at an open meeting, the Trustees may but shall not be obligated to adjourn into executive session to discuss this matter. At the meeting, the Township Trustees will review all materials submitted by the employee, Department Head and Administrator and may call such other witnesses as the Board of Trustees determines necessary to make a decision. Upon review of this information, the Board of Trustees will either: accept; accept with modifications; reject or reject with modifications, the recommendation of the Township Administrator. The decision of the Board of Trustees will be final and not subject to further review.

In all cases of gross misconduct upon the recommendation of the Department Head, the Township Administrator may suspend the employee with pay during the investigation period but in no event shall the suspension exceed ten (10) working days.

Discipline of Department Head - In cases where the employee to be disciplined is the Department Head, the Township Administrator will fulfill all duties imposed upon the Department Head by the foregoing paragraphs along with the Administrator's duties.

### **26.1.5 Role and Authority of Supervisors**

The role of supervisors in disciplinary system:

- To observe the conduct and appearance of employees and detect those instances when disciplinary actions are warranted.
- To investigate allegations of employee misconduct when within the scope of their responsibility and authority.
- To recommend the effective methods of discipline for the personnel under their supervision.
- To implement the disciplinary action approved by the Chief of Police.

The authority of supervisors in the disciplinary process:

Supervisors or command officers who personally observe employee misconduct have the

authority to exercise limited disciplinary action. Supervisors may counsel, issue emergency suspensions, and offer recommendations for other disciplinary actions, as follows:

- If the misconduct is very minor, such as a minor mistake, departure from procedure, or the exercise of inappropriate judgment, the supervisor may take immediate corrective action in the form of counseling.
- If the misconduct is for infractions of: incompetency, inefficiency, dishonesty, drunkenness, immoral conduct, insubordination, discourteous treatment of the public, neglect of duty, absence without leave and any other failure of good behavior or any other acts of misfeasance, malfeasance or nonfeasance which adversely affects the ability of the Township to provide services to the public or of a repeated minor nature, and the supervisor believes that a documented verbal warning or written reprimand are appropriate, necessary documentation of the incident shall be prepared explaining the details of the situation and outlining the supervisor's decision on the Written Record of Discipline Form. The documented verbal warning or written reprimand should be prepared and forwarded through the chain of command for review and then issued to the employee. A copy of the documented verbal warning or written reprimand will be placed in the employee's personnel file after review with the employee.
- If the misconduct is very serious and the supervisor believes that a suspension, demotion or dismissal may be appropriate, documentation shall be completed explaining the details of the situation. The documentation will be forwarded to Chief of Police through the chain of command for logging into professional standards records and, if necessary, assignment for follow-up investigation and discipline recommendations.
  - In these situations, supervisors should immediately advise their superior of the circumstances surrounding the incident and any actions they have taken.
  - If a supervisor feels it is necessary to relieve an employee from duty because the conduct observed is extremely serious, or the employee is unfit for duty, supervisors may suspend any employee for the remainder of the employee's shift. The suspended employee shall be ordered to meet with the Chief of Police on the next working day before returning to work.

#### **26.1.6 Appeal Procedures**

For Employees Covered Under the Collective Bargaining Agreement, Article 9 of the Collective Bargaining Agreements

- Disciplinary actions involving suspension of more than three days or discharge may be appealed through the grievance procedure. The grievance procedure is outlined in Article 8 of the Collective Bargaining Agreements.

## For Employees Not Covered Under the Collective Bargaining Agreement

- Upon review of the disciplinary action requested, Board of Trustees will accept; accept with modifications; reject or reject with modifications, the recommendation of the Township Administrator. The decision of the Board of Trustees will be final and not subject to further review.

## For Probationary Employees

Every newly hired employee will be required to successfully complete a probationary period. The aforementioned Articles do not apply to employees during the probationary period. In those cases, the employee serves at the will of the employer and may be disciplined with just cause. A newly hired probationary employee shall have no right of appeal through the grievance procedure for any disciplinary action.

- The probationary period for new employees covered under the Collective Bargaining Agreement, Article 9 of the Collective Bargaining Agreements shall begin on the first day for which the employee received compensation from the employer and shall continue for a period of eighteen (18) months.
- The probationary period for new employees not covered under a collective bargaining agreement shall begin on the first day for which the employee received compensation from the employer and shall continue for a period of one calendar year.

### **26.1.7 Termination Procedures**

If an investigation of employee misconduct results in termination, the following information will be provided to the employee:

- A statement of reasons(s) for termination.
- The effective date of termination.
- A statement of the status of fringe and retirement benefits after dismissal.

This section does not apply to entry level probationary employees.

### **26.1.8 Records**

Any disciplinary action such as verbal warning, written reprimand, suspension, demotion or dismissal will be entered in the concerned employee's personnel file.

The records of any unsubstantiated, reversed or dismissed allegations of misconduct which did not result in disciplinary action shall not be placed in the personnel file.

Records of verbal warnings and written reprimands shall cease to have force and effect one (1) year from the date of issuance and shall, upon request of the employee, be removed from the personnel file, provided no similar intervening discipline has occurred. Any record of more severe discipline shall cease to have force and effect two (2) years from the date of issuance and shall upon the request of the employee, be removed from

the personnel file, provided no similar intervening discipline has occurred.

Any documentation relating to the circumstances of an internal affairs investigation will not be placed in the concerned employee's personnel file. Procedures governing internal affairs records are described in the Internal Investigations Standards Procedure.

Employees may review anything placed in their personnel file. Requests for the purging of any item from an employee's personnel file must be submitted to the Township Administrator through the Chief of Police.

**DIRECTIVE 26.2**  
**INTERNAL INVESTIGATIONS ORGANIZATIONAL**  
**INTEGRITY**

<b>Issue Date: 04/03/2020</b>	<b>By Order of Chief of Police</b>
<b>Rescinds: (Issue 05/22/2018)</b>	<b>CALEA Standards</b>
<b>Pages: 3</b>	<b>Referenced: 26.2.1; 26.2.2; 26.2.3; 26.2.4 &amp; 26.2.5</b>

**This directive consists of the following sections:**

- [\*\*26.2.1 Complaint Investigation\*\*](#)
- [\*\*26.2.2 Records, Maintenance and Security\*\*](#)
- [\*\*26.2.3 CEO, Direct Accessibility\*\*](#)
- [\*\*26.2.4 Complaint/Commendation Registering Procedures\*\*](#)
- [\*\*26.2.5 Annual Statistical Summaries; Public Availability\*\*](#)

**POLICY AND PROCEDURE:**

The complaint process is important for the maintenance of professional conduct in a law enforcement agency. The integrity of the agency depends on the personal integrity and discipline of each employee. To a large degree, the public image of the agency is determined by the quality of the complaint process in responding to allegations of misconduct or inquiries made of the agency or its employees. Agencies having a proactive complaint process will have the capability to respond appropriately to allegations of misfeasance, malfeasance and nonfeasance by employees and to complaints about the agency's response to community needs, thereby instilling public confidence in the agency.

It is the policy of the Miami Township Police Department to ensure that integrity is maintained through an internal complaint process where objectivity, fairness and justice are assured by intensive and impartial investigation and review.

**[26.2.1 Complaint Investigation](#)**

The Miami Township Police Department requires all complaints, whether alleged or suspected, against the agency or its employees be investigated, to include anonymous complaints.

**[26.2.2 Records, Maintenance and Security](#)**

The Chief of Police and/or the assigned investigator shall maintain the confidentiality of all Allegations of Misconduct or Inquiries and their records.

The original of each Internal Investigation Complaint Form and all supporting documentation shall be maintained by the investigating officer in a case file in a locked location with limited access. The investigating officer shall maintain the confidentiality of all records while the investigation is active.

Upon the conclusion of an Allegation of Misconduct or Inquiry investigation, the original Internal Affairs Complaint Form and all supporting documents shall be maintained by the Chief of Police in a locked location with limited access.

### **26.2.3 CEO, Direct Accessibility**

The Chief of Police will be notified of any Allegation of Misconduct or Inquiry that has been made:

- Allegations of Misconduct that will require an internal investigation should be delivered to the Chief of Police upon receipt.
- Allegations of Misconduct categorized as an Inquiry shall be delivered to the Chief of Police by the start of the next working day.

The investigating officer of any Allegation of Misconduct or Inquiry investigation shall report directly to the Chief of Police or his/her designee at any time during the investigation.

### **26.2.4 Complaint/Commendation Registering Procedures**

Persons may register an Allegation of Misconduct, Commendation or an inquiry about department procedure in person, by telephone or in writing. Persons registering a complaint by telephone or in writing shall be advised of the warning listed on the complaint form, ORC 2921.13.

If the complainant responds to the police station, the complainant will be directed to the on-duty supervisor to make the Allegation of Misconduct, Commendation or Inquiry.

If the on-duty supervisor is not available to receive the Allegation of Misconduct, Commendation or Inquiry, the citizen will be directed to the Investigations Supervisor to make the Allegation of Misconduct, Commendation or Inquiry.

If the Investigations Supervisor is not available to receive the Allegation of Misconduct, Commendation or Inquiry, the citizen will be directed to a Command Staff Officer.

All Allegations of Misconduct or Inquiries made in person, by telephone or in writing shall be recorded on the Internal Investigation Complaint Form with any necessary attachments and the complainant will be asked to sign the form. If possible, any verbal statements made by the complainant should be recorded.

Anonymous complaints shall be forwarded to the Chief of Police or his/her designee, who shall reduce to writing the complaint on the Internal Investigation Complaint Form.

The Miami Township Police Department makes available information to the public on procedures to be followed in registering complaints on the Township website and in the department lobby. Any commendation received, by any means, shall also be made publicly accessible upon request.

Information on procedures to be followed in registering complaints is made available to all police personnel through dissemination of this Directive.

#### **26.2.5 Annual Statistical Summaries; Public Availability**

The Chief of Police shall prepare and publish an annual statistical summary of Allegations of Misconduct and Inquiries received by the Department.

Names, addresses or other personal information of complainants or accused employees will not be used in the statistical summary.

The statistical summary is provided to agency personnel through posting and to the public upon request.

## DIRECTIVE 26.3 COMPLAINT PROCEDURES

<b>Issue Date: 04/03/2020</b>	<b>By Order of Chief of Police</b>
<b>Rescinds: (Issue 05/22/2018)</b>	<b>CALEA Standards Referenced: 26.3.1; 26.3.2; 26.3.3; 26.3.4; 26.3.5; 26.3.6; 26.3.7 &amp; 26.3.8</b>
<b>Pages: 6</b>	

This directive consists of the following sections:

- 26.3.1 Complaint Types
- 26.3.2 CEO, Notification
- 26.3.3 Investigation Time Limits
- 26.3.4 Informing Complainant
- 26.3.5 Statement of Allegations / Rights
- 26.3.6 Submission to Tests, Procedures
- 26.3.7 Relieved from Duty
- 26.3.8 Conclusion of Fact

### **POLICY AND PROCEDURE:**

It is the policy of the Miami Township Police Department to ensure that integrity is maintained through an internal system where objectivity, fairness and justice are assured by intensive and impartial investigation and review.

It is the function of Internal Affairs to provide fact-finding assistance to the Chief of Police. Internal Affairs provides a systematic, objective and impartial method of investigating complaints of improper behavior of employees or inquiries against the department that might violate Standards of Conduct or other written directives of the Department.

#### **26.3.1 Complaint Types**

Each complaint shall be classified as either an Allegation of Misconduct or an Inquiry.

#### **Type of Complaints to be Investigated by Supervisors**

Allegations of Misconduct may be investigated as an Inquiry by the employees' immediate supervisor. Examples of such allegations are:

- Violation of department rules, regulations, procedures and directives.
- Rudeness directed toward a citizen.

- Poor demeanor by a department employee.
- Improper operation of department vehicles.
- Unequal application of process.

An Inquiry will typically involve a citizen contacting the Miami Township Police Department with a question about department policy, procedure or tactic used by the department or a member of the department. Inquiries are usually handled by the employee's immediate supervisor. Examples of inquiries are:

- Questions about department policy and procedure.
- Questions about laws and their applications.

#### *Type of Complaints Requiring Investigation by the Internal Affairs Function*

Allegations of Misconduct that involve criminal behavior or serious misconduct will require an internal investigation. Examples of such conduct are:

- Violations of Law
- Excessive Use of Force
- Breach of Civil Rights
- Corruption
- An Unlawful Order
- Other Gross Misconduct

These types of complaints, depending on the severity, will be investigated by the Internal Affairs function or Independent external investigators.

#### **26.3.2 CEO, Notification**

The Chief of Police will be notified of any Allegation of Misconduct or Inquiry that has been made:

- Allegations of Misconduct that will require an Internal Investigation shall be delivered to the Chief of Police upon receipt.
- Allegations of Misconduct that may be investigated as an Inquiry shall be delivered to the Chief of Police by the start of the next working day.

During the investigation, the Chief of Police will be updated on the progress of the investigation no less than every seven days.

#### **26.3.3 Investigation Time Limits**

Typically, all investigations of complaints will be completed in fourteen days or less.

If more time is needed to investigate an Allegation of Misconduct or an Inquiry, the assigned investigator shall advise the Chief of Police in writing and explain why more

time is needed. The Chief of Police shall determine if more time will be allocated to the investigation.

#### **26.3.4 Informing Complainant**

The agency has a written directive regarding complainant notification that includes:

##### *Verification that the Complaint has Been Received*

Upon receipt of a Complaint form, the Chief of Police or designee, will assign a Complaint number using the numerical year and ascending numbers beginning with 01; i.e. 2018-01. The complaint will be classified as an Allegation of Misconduct or as an Inquiry.

The Chief of Police or designee will assign an investigating officer to conduct the investigation. A letter will be sent to the complainant by the Chief of Police or designee acknowledging the receipt of the Complaint, the classification of the complaint and the name of the investigating officer. In addition, the notification should include an anticipated time limit for the investigation. A copy of this letter will be maintained in the case file.

##### *Schedule for Status Notification to the Complainant*

The investigating officer will contact the complainant of an Allegation of Misconduct, formal or informal, or Inquiry within the first three days of assignment. Any communication with the complainant, to include the progress of the investigation, will be in writing and maintained in the case file.

##### *Notification that the Investigation Concluded*

Upon conclusion of the complaint investigation and after approval by the Chief of Police, the Chief of Police shall prepare a letter to the complainant, advising them of the conclusion of the facts. A copy of this letter shall be maintained in the case file.

#### **26.3.5 Statement of Allegations / Rights**

An employee shall be notified of an Allegation of Misconduct or Inquiry against them or if they are associated with the Allegation of Misconduct or Inquiry. If the notification would jeopardize the conduct of the Allegation of Misconduct or Inquiry, then notification may be delayed.

Notification will be made by a supervisor by delivering a copy of the Allegation of Misconduct or Inquiry to the employee through the chain of command. Notification will be made as soon as practical upon receipt of the Allegation of Misconduct or Inquiry.

The investigator may cause the accused employee or other employees to participate in interviews and submit written statements relative to the investigation.

Prior to questioning of any accused employee, the nature of the investigation shall be explained to the employee and whether the investigation is focused on alleged violation of department rules or violation of criminal law. Notification of constitutional rights shall be made prior to any questioning involving an Internal Affairs Allegation of Misconduct.

A member covered under the Collective Bargaining Agreements, Article 36, Employee's Rights, shall be awarded all the rights and responsibilities of these agreements.

A member not covered under a Collective Bargaining Agreement, shall be awarded all the rights and responsibilities of the Miami Township Policy & Procedure Manual, Corrective Discipline.

### **26.3.6 Submission to Tests, Procedures**

Evidence collection for Allegations of Misconduct or Inquiries involving employees of the Miami Township Police Department will be conducted in accordance with the following guidelines.

#### **Medical or Laboratory Examinations**

Any time there are indications that an employee is suspected of using or being under the influence of any illegal drug or controlled substance, they shall be required to submit to a blood and/or urine test. An employee who is using a prescription medication that is or contains any controlled substance shall report such usage in writing to their immediate supervisor.

Employees may be required to submit to any other type of accepted medical or laboratory examination pursuant to criminal rules of procedure. All drug and alcohol testing shall be conducted in accordance with applicable State and Federal Laws.

A member covered under the Collective Bargaining Agreements, Article 38, Drug Testing, shall be awarded all the rights and responsibilities of these agreements.

A member not covered under a Collective Bargaining Agreement, shall be awarded all the rights and responsibilities of the Miami Township Policy & Procedure Manual, Drug & Alcohol-Free Workplace.

#### **Photographs**

The Miami Township Police Department maintains a photo file of all employees. These photographs may be used in the complaint process.

Employees who are subject to a complaint investigation may be required to submit to additional photographs if probable cause exists to believe they are involved in a criminal offense and the evidence is particular to the offense being investigated.

#### *Audio or Video Recording*

Employees who are subject to a complaint investigation may be required to submit to an audio or video recording during the investigation.

#### *Participate in a Line-Up*

Employees who are subject to a complaint investigation may be required to participate in a line up if probable cause exists to believe they are involved in a criminal offense and the lineup evidence is particular to the offense being investigated.

#### *Submit Financial Disclosure Statements*

Employees who are subject to a complaint investigation may be required to submit a financial disclosure statement when it is material to the investigation.

#### *Instruments for the Detection of Deception*

A member covered under the Collective Bargaining Agreements, Article 36, Employee's Rights, is exempt from testing utilizing instruments for the detection of deception.

A member not covered under a Collective Bargaining Agreement, may be required to submit to testing utilizing instruments for the detection of deception.

#### **26.3.7 Relieved from Duty**

The Chief of Police or any appointed first line supervisor may relieve an employee from duty and place that employee on temporary administrative leave for up to one day under the following circumstances:

- Employee conduct has been personally observed by the supervisor that is extremely serious in nature and/or creates potential harm to the employee or others.
- The employee is unfit for duty due to physical or psychological reasons.

The employee receiving such temporary administrative leave shall be directed to report to the Chief of Police or his/her designee at a designated time within 24 hours. The supervisor imposing the leave shall also appear before the Chief of Police or his/her designee at an appointed time with all necessary documentation relevant to that leave.

Employees who are relieved from duty and placed on temporary administrative leave shall receive pay unless otherwise notified by the Chief of Police or his designee at their initial appearance.

Employees placed on administrative leave will be assigned a liaison within the police department to maintain the flow of information between the employee and the employer. The liaison will remain in place throughout the administrative leave or until relieved by the Chief of Police.

### **26.3.8 Conclusion of Fact**

All complaint investigations require a conclusion of fact. One of the following conclusions of fact shall be assigned:

- Unfounded/Malicious – The allegation is false, and it is likely the complainant knew that at the time of the allegation.
- Unfounded/Innocent – The allegation is false.
- Proper Conduct – The actions occurred but were consistent with criminal law and/or department policies and procedures.
- Not Sustained – There is insufficient evidence to prove or disprove the allegation.
- Sustained – There is sufficient evidence to support the allegation and the action violated criminal law or department policies and procedures.
- Withdrawn – The complainant withdraws the allegation prior to completion of the investigation and no further action is required.
- Misconduct not Based on Complaint – The investigation reveals sufficient evidence to indicate other infractions not based on the original complaint.

**DIRECTIVE 31.1  
RECRUITMENT AND SELECTION -  
ADMINISTRATIVE PRACTICES AND PROCEDURES**

<b>Issue Date: 09/04/2020</b>	<b>By Order of Chief of Police</b>
<b>Rescinds: (Issue 06/05/2020)</b>	<b>CALEA Standards Referenced: 31.1.1 &amp; 31.1.2</b>
<b>Pages: 2</b>	<b>Ohio Standard 2</b>

**This directive consists of the following sections:**

**[31.1.1 Agency Participation](#)**

**[31.1.2 Assignment / Recruitment](#)**

**POLICY AND PROCEDURE:**

The goal of the Miami Township Police Department is to recruit and hire qualified individuals while providing equal employment opportunity. The recruitment and selection process strives to have a diverse work force that reflects the citizens we serve.

Non-discrimination and equal employment opportunity are the policy of the Miami Township Police Department. The department 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.

Miami Township shall utilize due diligence in ensuring that prospective employees have the proper temperament, knowledge and attitude to handle the important job of Ohio Peace Officer. Miami Township has appropriate mechanisms in place in order to achieve this mission. All Miami Township employment requirements are related to the skills that are necessary to be a successful employee.

[Ohio Standard 2]

**[31.1.1 Agency Participation](#)**

The Administrative Assistant is responsible for the administration of the Miami Township Police Department recruitment and selection processes. The Miami Township Police Department oversees and administers all aspects of the recruitment and selection process. The goals of the recruitment and selection process are to:

- Recruit the highest caliber employee available.
- Establish fair and impartial recruitment practices which do not discriminate on the basis of sex, sexual orientation, gender identity, age, national origin, veteran status, military status, race, color, religion or disability.
- Manifest positive recruitment practices which result in lower rates of personnel turnover, fewer disciplinary problems, higher morale, better community relations and more efficient police service.

### **31.1.2 Assignment / Recruitment**

The Administrative Assistant and the Chief of Police are assigned to recruitment activities. They will be issued and maintain current copies of the department policies that contain the departments' employee recruitment and selection policies. They shall have demonstrated and documented knowledge through annual training and testing of department policy, personnel matters, Equal Employment Opportunity and the affirmative action recruitment plan as it affects the management and operations of the agency [Ohio 2.1 through 2.7]. Among the knowledge and skills to be maintained by personnel involved in the recruitment process is:

- Miami Township Police Department's recruitment needs and commitments.
- Career opportunities, salaries, benefits and training.
- Federal and state compliance guidelines.
- The community and its needs, including demographic data, community organizations, educational institutions, etc.
- Cultural awareness of different ethnic groups in the community.
- Techniques of record keeping systems for candidate tracking.
- The selection process, including procedures involving all phases of the selection process.
- Recruitment programs of other jurisdictions.
- Characteristics that disqualify candidates.
- Medical Requirements.

Whenever possible, police personnel in protected classifications will be actively used in recruitment activities, assisting to eliminate barriers in hiring or recruitment, via their depiction in agency roles on any recruitment literature and attendance at job fairs, academy presentations, etc. if utilized.

**DIRECTIVE 31.2  
 RECRUITMENT AND SELECTION -  
 EQUAL EMPLOYMENT OPPORTUNITY AND  
 RECRUITMENT**

<b>Issue Date: 10/06/2020</b>	<b>By Order of Chief of Police</b>
<b>Rescinds: (Issue 09/04/2020)</b>	<b>CALEA Standards    Referenced: 31.2.1; 31.2.2 &amp;    31.2.3</b>
<b>Pages: 9</b>	<b>Ohio Standard 2</b>

**This directive consists of the following sections:**

- [\*\*31.2.1 Recruitment Plan\*\*](#)
- [\*\*31.2.2 Annual Analysis\*\*](#)
- [\*\*31.2.3 Equal Employment Opportunity Plan\*\*](#)
- [\*\*Addendum A. – College Internship Program\*\*](#)

**POLICY AND PROCEDURE:**

Non-discrimination and equal employment opportunity are the policy of the Miami Township Police Department. The department 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.

[\[Ohio Standard 2\]](#)

**[31.2.1 Recruitment Plan](#)**

**[Statement of Objective](#)**

The objective of the affirmative action recruitment plan is to allow the Miami Township Police Department to achieve a fair, obtainable representation of the composition of the community in which we serve.

The Miami Township Police Department shall engage in positive efforts to employ ethnic minority group members and females. The department may take affirmative action to achieve a ratio of minority group employees in approximate proportion to the make-up of the service area and an appropriate level of female employees.

[\[Ohio 2.2\]](#)

## Plan of Action

Before each recruitment/selection process the Chief of Police will review Community and Department Demographics.

- Minority Representation - Any time there is a minority representation of 3% or more in the Township as indicated by the most current national census, and the department is not represented by a proportionate number of minority officers, the affirmative action recruitment plan may be implemented.
- Female Representation - Any time that the ratio of female police officers to male police officers in the Miami Township Police Department falls below the ratio of females in the available work force, preferential recruitment policies and the affirmative action recruitment plan may be implemented.

This review will allow the department to determine the area in which representation is low.

In seeking to employ qualified ethnic minority members and females, this agency may conduct research, develop and implement specialized minority and female recruitment methods. These methods may include, but not necessarily be limited to:

- Application form and related pre-employment inquiry forms are in compliance with applicable federal, state and local EEO laws.
- Position descriptions are reviewed periodically to properly identify job related requirements.
- Liaison with local minority community leaders to emphasize police sincerity and encourage referrals of minority applicants to the police agency.
- Active cooperation and utilization of the media in minority recruitment efforts. Regular personal contact with the minority or female applicant from initial application to final determination of employment.
- Increase overall recruitment efforts with special attention to locations and institutions that would lend themselves to contact with potential minority and or female applicants.
- Periodic review of the selection process to ensure it is non-discriminatory. No directives are used which have the effect of eliminating from consideration a significantly higher percentage of minorities or females than of non-minorities or men.
- The encouragement of minority and female employees to refer friends to the agency for potential employment.
- Become involved with and provide notification to local minority organizations, female organizations, community action groups and community service programs at the time of recruitment.
- Encourage minority and female employees to participate in community programs.

The Chief of Police and the Support Services Supervisor shall be responsible for the plan administration.

### **31.2.2 Annual Analysis**

We will continue to monitor our workforce make-up and endeavor to employ persons in such numbers and percentages that they are representative of our community. The Miami Township Police Department will endeavor to meet the goals as outlined within this policy at each hiring of personnel. The agency will conduct an annual analysis of the recruitment plan, selection processes and demographic of sworn personnel which will be forwarded to the Chief of Police for review. The analysis will be used to determine if progress was made toward the established goals. When necessary, after each evaluation process this plan will be revised and reissued.

[Ohio 2.7]

### **31.2.3 Equal Employment Opportunity Plan**

The Miami Township Police Department has an Equal Employment Opportunity Plan to ensure equal opportunities for employment and employment conditions for minority persons and females. The EEO includes without limitations, the following commitments:

- To provide equal employment opportunity to all qualified persons and to recruit, hire, train, promote and compensate persons in all jobs without regard to race, color, religion, sex or national origin.
- To identify and analyze all areas of the employment process to further the principal of equal employment opportunity. Employment decisions in all areas will be made on the basis of furthering the objective of equal employment.

In compliance with Title VII of the Civil Rights Act of 1964 and as amended by the Equal Employment Act of 1972, as well as, Section 504 of the 1973 Rehabilitation Act, as amended by in 1976 by Title 3 and the Americans with Disabilities Act of 1990, it is the policy of the Miami Township Police Department:

- To provide equality of opportunity in employment with the Miami Township Police Department.
- To carry out all programs and activities in such a manner that no person shall, on the grounds of race, color, national origin, sex, or disability be excluded from participation in, be denied the benefits of, or subject to discrimination with respect to such programs or activities.

[Ohio 2.3]

## Employment, Personnel and Program Practices

The Miami Township Police Department prohibits discrimination because of race, ethnic origin, religion, sex or disability in all respects of its personnel policies, working conditions, and relationship with employees and applicants for employment as well as to provide equal access to all programs in order to promote a continuing equal employment program by the department.

The Chief of Police shall be the department's Equal Employment Opportunity officer and will coordinate the department's equal opportunity efforts. It shall be the duty of the EEO officer to provide advice, conduct internal investigations and seek conciliation of employee discriminatory complaints.

### EEO Complaint Procedure

A person feeling aggrieved shall within five days of the action submit such complaint in writing to the EEO officer. The grievant shall request a hearing through the EEO officer and shall select the first member of the hearing committee. The department shall select the second member. These two shall select the third member who becomes the Chairperson. The hearing committee will weigh the evidence presented before it, prepare findings of facts, conclusion of law, and a decision including appropriate corrective action, if any, to effectuate the Equal Employment Opportunity program. The decision of the hearing committee shall be final.

### Program Implementation

The Chief of Police shall direct the implementation of the Equal Employment Opportunity plan to promote equal opportunity in every aspect of employment, policy and practice, including but not limited to: employment, demotion, assignments or transfers, recruitment or recruitment advertising, layoff or termination and selection of training. This implementation shall include, but not be limited to the following:

- A notice of the department's directive on nondiscrimination in employment shall be posted in a conspicuous place within the police department's main building.
- Notification of employment opportunities, new positions, vacancies, promotion possibilities and training opportunities shall be posted in a conspicuous place within the police department's main building.
- Newspaper advertisements and other public announcements of employment opportunities placed by or on behalf of the department shall state that Miami Township is an equal opportunity employer.
- The department shall continually evaluate all minority personnel for promotion opportunities and encourage minority employees to seek such opportunities.
- The department shall ensure that seniority practices and job classification do not have a discriminatory effect.

- The department shall develop and maintain records as related to aspects of the Equal Employment Opportunity plan.

### Addendum A – College Internship Program

The Miami Township Police Department is committed to developing partnerships within our community. The College Internship Program is a joint effort between the Miami Township Police Department and regional colleges and universities to assist students (primarily Criminal Justice majors) to meet curriculum requirements for graduation.

#### OBJECTIVE

The Miami Township Police Department can benefit from non-paid, intern assistance in operational, administrative, and support functions while providing participants an atmosphere of learning. Participants in the College Internship Program should expect to:

- Strengthen self-directed learning skills,
- Correlate classroom education as it applies to realistic situations,
- Gain clarity and comprehension in the complexities of the criminal justice system.

The Miami Township Police Department's goal is to provide participants with:

1. Insight and realistic perspective in day-to-day agency function.
2. A greater appreciation of knowledge gained in the classroom as it comparatively applies to law enforcement.
3. A self-assessment platform on which to gauge his/her skills and abilities witnessed in real-world situations.
4. Clarification in determining whether or not the participating student wishes to pursue a career in policing as opposed to other criminal-justice-related opportunities.
5. Internal references for future applicants.

#### REQUIREMENTS

Assignments are unpaid, and participating students must meet the following requirements:

- Be enrolled in a four-year Criminal Justice program through an accredited college or university,
- Be in their junior or senior year of learning,
- Have a 3.0 or higher grade point average on a 4.0 scale,
- Require a minimum of 100 hours,
- Successfully pass a standard background check performed by the Miami Township Police Department.

Students with less than a 3.0 GPA may request this requirement be waived in the following circumstances:

1. They have a written referral letter from faculty other than their Field Placement Coordinator, or
2. The Chief of the Miami Township Police Department approves the request.

Internships are reserved for students motivated to achieve, and while exceptions may be made occasionally to the academic requirements, there must be strong justifications for doing so. Students from majors other than Criminal Justice may also be eligible for internship pending approval by the Chief of Police, the prerequisite 3.0 GPA, and junior/senior status. However, preference will be given to Criminal Justice majors. If the demand for internship is very high for a particular semester, non-criminal justice majors may not be permitted to do the internship.

If the college student is required to complete a culminating essay or paper regarding their experiences during the internship, the student will provide a copy of the culminating essay or paper to the Chief of Police and assigned supervisor at the conclusion of the internship.

#### INTERNSHIP ORIENTATION

Orientation is the initial meeting between the student and their assigned supervisor. It is intended to introduce the student to the location and individuals with whom he/she will be reporting to and assisting. At the orientation, students will review a written schedule that will be mutually agreed upon between intern and supervisor. This schedule may be adjusted as necessary as required by the intern through approval of the assigned supervisor.

#### PERSONAL AND PROFESSIONAL RESPONSIBILITIES

The Miami Township Police Department places great emphasis on the need for confidentiality, privacy, and personal integrity. Therefore, for a student to successfully complete an internship with a criminal justice agency, the student must be able to demonstrate high levels of maturity and integrity. Additionally, interns must possess the emotional stability necessary to deal with the kind of unpleasant situations that are occasionally encountered in policing.

To facilitate good rapport with the chosen agency, interns must also have good listening and interpersonal skills. In addition to possessing these personality traits, all interns must abide by the following rules:

1. Always dress appropriately.
2. Do not use profanity, regardless of what others are doing.
3. Always be on time and do not leave early.
4. Do NOT allow yourself to be put into dangerous situations.
5. Do not become involved in gossip.

6. Ask questions and show enthusiasm.
7. Do not discuss sensitive information with non-agency people.
8. Do not become argumentative or disrespectful.
9. Be honest and forthright about any unusual situations.
10. Never, at any time, under any circumstance, carry a personal firearm on your internship site.

### DRESS CODE

Unless otherwise instructed by their supervisor, the following dress code will apply:

- Male interns shall wear either professional attire (dress shirts buttoned at the neck, conservative neckties, business-type trousers, and polished business or dress shoes) or business casual attire (polo shirts without emblems, business-type trousers, and polished business or dress shoes.)
- Female interns shall wear either professional attire (business suits, dresses, blouses, skirts, shoes, pantsuits, or dress slacks) or business casual attire (polo shirts without emblems, business-type trousers, and polished business or dress shoes.)

### IDENTIFICATION AND ACCESS

Upon assignment and placement, the student's supervisor may arrange for the student to obtain an intern identification card and/or access card. If issued, the intern shall display the identification at all times while in police facilities and while riding with patrol officers. Further, the intern will maintain possession of the identification card and/or access card until he/ she has completed their assignment with the police department. At that time, the identification card and/or access card will be returned to the supervisor.

### FACILITY ACCESS AND PARKING

The Miami Township Police Department has designated parking lots available; however, parking can be quite limited at times. Interns will park in the upper parking lot, closest to McPicken Drive, near the flagpole as parking permits.

### THE INTERNSHIP EXPERIENCE

During the course of a student internship, participants are exposed to a variety of activities and situations. The following is a brief list of issues any intern might encounter, witness, perform, or anticipate:

- Observe/participate in routine patrol
- Observe arrests
- Observe criminal investigations
- Observe dispatch operations
- Observe/participate in community relations and crime prevention
- Observe/assist Records/Administrative functions

- Assist in preparing reports and other administrative duties/functions as requested
- Observe court proceedings
- Observe inter- and intra-departmental staff meetings
- Perform legal research to extent requested
- Assist in special legal projects as requested by agency
- Observe prisoner transports
- Participate/interact on regular basis related to public inquiries
- Assist social media management

It is impossible to outline in great detail the responsibilities and the role an intern will play in the assignment. In general, students should observe the professional work of the Miami Township Police Department and, to the extent granted by assigned supervisor, observe and/or participate in the objectives of the agency.

### POLICE RIDE HOURS

Every rider will have to complete a Risk and Release form once they report at the Miami Township Police Department to ride.

### RESTRICTIONS

Interns will be exposed to many areas of police work. Supervisors will ensure that interns are not placed in a position where they would be unduly exposed to volatile incidents. Due to the sensitivity of ongoing investigations, the Chief of Police or Investigations Lieutenant may prohibit interns from observing or assisting detectives at any time deemed necessary. Interns shall not be:

- Involved in covert police functions.
- Permitted access to the police firearms range during “live fire.”
- Permitted to operate any department vehicle.
- Allowed to carry a firearm.

### PROGRAM DISQUALIFICATION AND/OR DISMISSAL

A standard, but thorough background check will be conducted on all interns. Misdemeanor convictions and pattern arrests will be reviewed on a case-by-case basis. Convictions that will exclude participation from the program include but are not limited to:

- Felony conviction
- Any violent crime conviction
- Sex Offense conviction
- Theft or dishonesty

**NOTE:** An arrest and/or conviction for any of the above listed offenses while participating in the College Intern Program will result in dismissal with notification to the respective University or College’s Field Placement Coordinator. Additionally, the

student agrees to notify the student's supervisor immediately in the event of any law enforcement contact while participating in the College Internship Program. Failure to do so may result in dismissal and potential notification to the respective University or College's Field Placement Coordinator

**DIRECTIVE 31.3  
RECRUITMENT AND SELECTION  
JOB ANNOUNCEMENTS AND PUBLICITY**

<b>Issue Date: 09/04/2020</b>	<b>By Order of Chief of Police</b>
<b>Rescinds: (Issue 06/17/2020)</b>	<b>CALEA Standards Referenced: 31.3.1; 31.3.2 &amp; 31.3.3</b>
<b>Pages: 2</b>	<b>Ohio Standard 2</b>

**This directive consists of the following sections:**

- [31.3.1 Job Announcements](#)**
- [31.3.2 Notification Expectations](#)**
- [31.3.3 Maintaining Applicant Contact](#)**

**POLICY AND PROCEDURE:**

A task as important as the recruitment and selection of personnel should be approached from a positive viewpoint. Miami Township Police Department’s goal is to identify and employ the best candidates available. Therefore, job announcements and publicity regarding recruitment & selection should be geared toward attracting those candidates through multiple media outlets, community and educational organizations and involvement from current department members.

**[31.3.1 Job Announcements](#)**

Whenever there is an actual or forecasted entry-level vacancy and the Township Board of Trustees authorizes the hiring of personnel, there will be a job announcement to attract applicants that will include the following elements.

- A job announcement providing a description of the duties, responsibilities, requisite skills, educational level and any other qualification or requirement. [\[Ohio 2.4\]](#)
- Advertisement of all entry-level job vacancies through electronic, print or other media.
- Advertisement as an Equal Opportunity Employer included on all employment applications and recruitment advertisements.
- Publication of entry-level job vacancies at least ten days prior to any official application filing deadline, with the official filing deadline indicated on all announcements and advertisements.

### **31.3.2 Notification Expectations**

Whenever there is an actual or forecasted entry-level vacancy and the Township Board of Trustees authorizes the hiring of personnel, there will be a recruitment program to attract applicants that includes job announcement posting to include:

- Posting of job announcements with community service organizations and/or seeks cooperative assistance from key community leaders.
- Posting of job announcements to local colleges and police academies.
- Recruitment assistance from agency personnel and internal posting.

### **31.3.3 Maintaining Applicant Contact**

The Administrative Assistant shall ensure that entry-level applicants are apprised of their status in the recruitment and selection process from the time of initial application to final employment disposition.

- Application receipt should be acknowledged within five working days of the closing date for accepting applications.
- Applicants should be periodically informed of the status of their application.
- All applicant contacts shall be documented.

### **Applicants Not Rejected for Minor Omissions or Deficiencies**

Applications that possess minor omissions or deficiencies that can be corrected prior to the testing or interview process by the applicant shall not be rejected solely for such omission or deficiency but shall be corrected and the candidate continued in the process.

**DIRECTIVE 31.4  
RECRUITMENT AND SELECTION -  
PROFESSIONAL AND LEGAL REQUIREMENTS**

<b>Issue Date: 09/01/2020</b>	<b>By Order of Chief of Police</b>
<b>Rescinds: (Issue 06/05/2020)</b>	<b>CALEA Standards Referenced: 31.4.1; 31.4.2; 31.4.3; 31.4.4; 31.4.5;31.4.6; 31.4.7 &amp; 31.4.8</b>
<b>Pages: 12</b>	

**This directive consists of the following sections:**

- [31.4.1 Selection Process Described](#)**
- [31.4.2 Job Relatedness](#)**
- [31.4.3 Uniform Administration](#)**
- [31.4.4 Candidate Information](#)**
- [31.4.5 Notification of Ineligibility](#)**
- [31.4.6 Records](#)**
- [31.4.7 Selection Criteria](#)**
- [31.4.8 Sworn Appointment Requirements](#)**

**POLICY AND PROCEDURE:**

The goal of the Miami Township Police Department is to recruit and hire qualified individuals while providing equal employment opportunity. The recruitment and selection process strives to have a diverse work force that reflects the citizens we serve.

Non-discrimination and equal employment opportunity are the policy of the Miami Township Police Department. The department 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.

Miami Township shall utilize due diligence in ensuring that prospective employees have the proper temperament, knowledge and attitude to handle the important job of Ohio Peace Officer. Miami Township has appropriate mechanisms in place in order to achieve this mission. All Miami Township employment requirements are related to the skills that are necessary to be a successful employee.

**[31.4.1 Selection Process Described](#)**

A job related, useful and nondiscriminatory selection process is dependent upon a number of professionally and legally accepted administrative practices and procedures, that include informing candidates, full-time and/or part-time, of all parts of the selection

process at the time of formal application; maintaining written procedures governing lateral entry and reapplication of unsuccessful candidates; and ensuring timely notification of candidates about their status at all critical points in the process. These procedures and practices significantly contribute to a more efficient, effective and fair selection process; that will result in the appointment of individuals who possess the skills, knowledge and abilities necessary for the Miami Township Police Department to provide effective services in the fulfillment of its stated mission.

Miami Township posts the selection process in its entirety on the Miami Township Police web page at [www.miamitwpoh.gov](http://www.miamitwpoh.gov). Applicants are notified at the time of the preliminary application of their access to this directive in its entirety.

### *Entry Level Applicants*

The application/selection process for appointing a probationary entry-level employee to the Miami Township Police Department is composed of the following steps:

- Submission of the Pre-Application Contact Form (sworn) or Cover Letter (civilian) & Resume (Preliminary Application)
- Written Test
- Physical Fitness Assessment (Police Officer Applicants Only)
- Interview and Evaluation Process
- Completion and Return of the Personal History Questionnaire (Formal Application)
- Background Investigation
- Polygraph Examination
- Conditional Offer of Employment
- Psychological Examination (Police Officer Applicants Only)
- Medical Examination
- Offer of Probationary Employment by the Board of Trustees.

### *Lateral Entry Applicants (Sworn Applicants Only)*

The Miami Township Police Department recognizes the benefits that may be gained by hiring experienced police officers.

All elements of the selection process that are utilized in the screening process for lateral entry applicants are the same as utilized for entry level applicants.

The following criteria apply to lateral entry applicants only:

- The applicant has been employed for at least 36 consecutive months as a full-time police officer, a sheriff's deputy or a state trooper performing routine patrol and enforcement duties for a state, county, city, township, village or university.
- The applicant has not received any department discipline more severe than a written reprimand within the preceding twenty-four months.

Consideration of past experience shall be used to determine the beginning level of compensation for a lateral entry applicant. Lateral entry candidates with 36 to 42 months of experience shall be compensated at a starting rate equal to a one-year police officer. Lateral entry candidates with 43 to 48 months of experience shall be compensated at a starting rate equal to a two-year police officer. Lateral entry candidates with 49 to 55 months shall be compensated at a starting rate equal to a three-year police officer. Lateral entry candidates with 56 months or more of experience shall be compensated at a starting rate equal to a four-year police officer.

Lateral entry hires vacation leave will be accrued on current Township policies and practices.

Lateral entry hires shall receive no special consideration for seniority within this department. All officers, regardless of the means of entry into the department, shall have their seniority with the department calculated from their date of appointment to the Miami Township Police Department.

#### *Pre-Application Contact Form & Resume (Preliminary Application)*

Miami Township accepts pre-application contact forms and resumes on an ongoing basis. Sworn applicants must possess a valid, current Peace Officers certification issued by the Ohio Peace Officers Training Council at the time of the conditional offer of employment.

When the Miami Township Police Department is actively engaged in an entry-level selection process the Department shall accept a pre-application contact form and resume from potential candidates during an established application period.

Pre-application contact forms and resumes submitted after the conclusion of the last process and until the established application period are maintained on file by the Administrative Assistant. Upon notification that an active entry-level selection process is authorized, the Administrative Assistant shall include these previously submitted pre-application contact forms and resumes to the Chief of Police for review along the forms submitted during the established application period.

The Chief of Police shall review all submitted pre-application contact forms and resumes that were received prior to and during the established application period. The Chief of Police shall notify the Administrative Assistant if the applicant will continue in the process. The Administrative Assistant will notify all preliminary applicants of their status.

#### *Written Examination*

Candidates proceeding shall take a written examination. The written examination is a preliminary basic skills test measuring reading, writing and mathematics. These skills are necessary to identify those candidates who can successfully complete training and perform their job effectively. Each applicant shall be required to achieve a score of no

less than eighty (80% of a possible 100%) in order to be considered to have passed the written examination phase of the testing procedure.

The written examination instrument must have validity, utility and minimum adverse impact. It shall be developed and furnished by a qualified private sector organization or vendor. Documents attesting to its validity, utility and minimum adverse impact must be filed by the provider of the testing material with the Administrative Assistant.

Each applicant will be required to display his or her valid operator’s license, displaying his or her photograph in order to obtain admission to the written testing procedure. Applicants who successfully pass the written examination shall proceed to the next phase of the selection process. Applicants who fail the written examination are removed from further consideration in the current selection process. The Administrative Assistant will notify all applicants of their status.

*Physical Fitness Assessment (Police Officer Applicants Only)*

The physical assessment is used to identify the sworn police officer applicants’ capacity to successfully perform the physical requirements of a police officer. Qualifying applicants shall be administered a series of physical tests. A candidate must successfully pass each phase of the physical tests to pass the physical assessment.

Miami Township utilizes the OPOTC Basic Training Physical Assessment standards for Pushups and Sit ups and a fitness testing/job simulated obstacle course. The obstacle course is pass/fail and consists of a 130-yard run with specific obstacles and must be successfully completed in less than 58 seconds.

Applicants are notified at the conclusion of each segment of the physical fitness assessment if they have passed or failed by the agency member conducting the testing.

Age and gender minimum scores are as follows:

<b>Age and Gender Minimum Scores</b>		
<b>50<sup>th</sup> Percentile</b>		
	<b>Males (&lt;29)</b>	<b>Females (&lt;29)</b>
<b>Sit-ups (1 min.)</b>	<b>40</b>	<b>35</b>
<b>Push-ups</b>	<b>33</b>	<b>18</b>
<b>Obstacle Course</b>	<b>58 sec.</b>	<b>58 sec.</b>
	<b>Males (30-39)</b>	<b>Females (30-39)</b>
<b>Sit-ups (1 min.)</b>	<b>36</b>	<b>27</b>
<b>Push-ups</b>	<b>27</b>	<b>14</b>
<b>Obstacle Course</b>	<b>58 sec.</b>	<b>58 sec.</b>

<b>Sit-ups (1 min.) Push-ups Obstacle Course</b>	<b>Males (40-49)</b> 31 21 58 sec.	<b>Females (40-49)</b> 22 11 58 sec.
<b>Sit-ups (1 min.) Push-ups Obstacle Course</b>	<b>Males (50-59)</b> 26 15 58 sec.	<b>Females (50-59)</b> 17 *13 Modified 58 sec.
<b>Sit-ups (1 min.) Push-ups Obstacle Course</b>	<b>Males (60+)</b> 20 15 58 sec.	<b>Females (60+)</b> 8 *8 Modified 58 sec.

*Interview and Evaluation Process*

An Interview & Evaluation Process is a structured process that has two primary purposes.

First, it gives the interviewers the opportunity to determine how an applicant will handle given situations, sometimes involving a variety of options, but always requiring good judgment.

Second and equally important, this phase of the selection process is accomplished at minimum cost to the Department, a major consideration in determining the sequence in the series of selection events.

The Police Department may utilize any non-probationary personnel it deems appropriate for the interview and evaluation process. This phase of the selection process is scored. In order to reduce the subjectivity of the interview and evaluation process and to promote consistent scoring between interviewers, questions will be pre-determined for which a range of responses can be identified. This provides each interviewer with a guideline for rating each applicant's responses, thus increasing the objectivity of the interviews.

Additional questions may be asked, which may be used to gain further insight into the applicant's interests and points of view, or to assist in clarification of an applicant's answer.

The Chief of Police shall advise the Administrative Assistant if the candidate will:

- Proceed to the Background Investigation;
- Be placed in a pending status; or,
- Be removed from the selection process.

The Administrative Assistant shall notify each candidate of their status.

### *Personal History Questionnaire (PHQ) (Formal Application)*

Candidates chosen to proceed to the formal application stage shall receive and complete the personal history questionnaire in the time frame established via written notice by the Administrative Assistant. The Chief of Police shall review all PHQ's and notify the Administrative Assistant if the applicant will continue in the process. The Administrative Assistant will notify all formal applicants of their status.

### *Background Investigation*

The background investigation will entail the applicant completing the Personal History Questionnaire (PHQ). The PHQ is a document which requires the applicant to answer in detail questions relating to relatives, references and acquaintances; education; residence history; experience and employment; military service; financial history; legal history; motor vehicle operation and law enforcement information.

The background investigator will use the PHQ to verify the applicants' veracity and background through interviews with the applicant, his or her family, friends, employers, teachers, neighbors, associates and other persons who may have information bearing on the applicant's character and reputation. The investigator will, verify the information given by, and the qualifying credentials of the applicant, conduct an in-depth review for and of any criminal record, and will verify and interview a minimum of three of the applicants' listed personal references.

Thus, the background investigation's purpose is to ensure that each applicant is morally, socially and financially stable. It is essential to know if the candidate has a background that could bring discredit to the Department or the applicant after their appointment or that might otherwise compromise their ability to perform police duties.

The applicant will also be required to sign an "Authority to Release Information" which gives the background investigator the legal authority to obtain needed information.

The Department will only use personnel who have successfully completed a course of instruction in conducting background investigations to investigate and gather information on applicants during the background investigation process.

The background investigation shall be reviewed by the Chief of Police. The Chief of Police shall advise the Administrative Assistant if the candidate will:

- Proceed to the Polygraph Examination, or;
- Be placed in a pending status, or;
- Be removed from the selection process.

The Administrative Assistant shall notify each candidate of their status.

### Polygraph Examination

The polygraph is conducted after the Background Investigation. The number of persons sent to the polygraph shall be determined by the Department based on the total number of entry level positions to be filled at the time of the testing.

The polygraph examination is an investigative tool designed to ensure an applicant for appointment does not have a hidden background that would normally eliminate the candidate from further consideration. The polygraph examination will be administered to an applicant who is being considered for appointment. The candidate must successfully pass the polygraph to continue in the selection process.

Polygraph examinations for applicants to the Department will be conducted only by persons trained in polygraph procedures and who possess credentials in the use and interpretation of these investigative tools. The credentials of the polygraph examiner(s) are to be on file with the Administrative Assistant.

The polygraph examination is never used by the Department as a single or sole determinant of employment status. Rather, polygraph examinations and interpretations are an investigative aid to be considered with other information, including pretest, test or post-test interviews, psychological examinations and information gathered from the background investigation.

Candidates are provided a list of areas from which polygraph questions will be drawn. The list is given at the time of their preliminary application and again at the time the Personal History Questionnaire (PHQ) is completed.

The following is a list of possible areas from which the polygraph questions will be drawn:

- Personal Identity
- Employment History
- Military Service
- Financial History
- Legal History/Arrest Records
- Motor Vehicle Operation
- Law Enforcement Information
- Responses Given on the PHQ

The polygraph examination report shall be reviewed by the Chief of Police. The Chief of Police shall advise the Administrative Assistant if the candidate will:

- Receive a Conditional Offer of Employment, or;
- Be removed from the selection process.

The Administrative Assistant shall notify each candidate of their status.

### Conditional Offer of Employment

After successful completion of the aforementioned selection process steps, the department may make a conditional offer of employment. The number of applicants that will receive a conditional offer of employment shall be no more than the number of entry level vacancies established by the Miami Township Police Department to be filled at the time such offers are made.

The conditional offer of employment extended to an applicant shall stipulate that the applicant must successfully complete the remaining selection process steps in the employment process in order to be appointed as a probationary employee.

### Psychological Examination (Police Officer Applicants Only)

A psychological examination of highly reliable and time-proven psychological tests is administered to help determine the emotional stability and psychological fitness of an applicant. The applicant must successfully pass this phase to continue in the testing procedure.

Such tests are needed to identify those applicants who might not be able to carry out their responsibilities or endure the stress of the working conditions.

Only qualified professionals will be used to administer the psychological examination and assess emotional stability and psychological fitness.

The psychological examination report shall be reviewed by the Chief of Police. The Chief of Police shall advise the Administrative Assistant if the candidate will:

- Proceed to the Medical Examination, or;
- Be removed from the selection process.

The Administrative Assistant shall notify each candidate of their status.

### Medical Examination

The medical examination is done to assess the applicant's physical status as to his/her ability to safely perform specific types of work without risk to self, to others, or to the department. The medical examination will be conducted by a licensed health care professional. The applicant must successfully pass this phase to continue in the testing procedure. Passing criteria is based on medical, laboratory and ancillary testing. Applicants must receive the Physician's opinion that he/she has no expected limitations based on job description.

The medical examination shall include the following:

- Family and Personal Health History
- EKG
- Blood Pressure Screening (Hypertension)
- Hyperlipidemia

- Cholesterol (HDL/LDL)
- Triglycerides
- Glucose
- Heart Rate
- Chest X-ray
- Obesity-Body Fat Count
- Hearing and Vision Test
- Drug Screen

The medical examination report shall be reviewed by the Chief of Police. The Chief of Police shall advise the Administrative Assistant one of the following:

- The Chief of Police will recommend probationary employment be approved by the Board of Trustees, or;
- The candidate is removed from the selection process.

The Administrative Assistant shall notify each candidate of their status.

#### **31.4.2 Job Relatedness**

All elements of the selection process use only those rating criteria or minimum qualifications that are job related. These criteria and qualifications are based upon job task analysis, Federal & State qualifications (if applicable) and requirements announced in the position vacancy and this directive.

#### **31.4.3 Uniform Administration**

All elements of the selection process are documented, administered, scored and evaluated in a uniform and fair manner.

#### **31.4.4 Candidate Information**

At the time of accepting the Pre-Application Contact Form & Resume applicants will receive or have access to this directive in its entirety, which contains all elements of the selection process.

Miami Township anticipates the completion of the entry level selection process to be completed within 120 days. The results of a selection process are valid until notification is given otherwise by the Chief of Police.

An applicant who is dismissed anytime during the selection process may reapply for testing and evaluation for an entry level position at any future time the department is engaged in a selection process. Such application shall be subject to the qualifications and criteria established for that selection process.

#### **31.4.5 Notification of Ineligibility**

Should an applicant fail to successfully complete a section of the testing procedure, the applicant shall be notified in writing of such failure. Such notification shall be sent

within thirty days of the date the department became aware of the applicant's failure to successfully complete a section of the selection process.

Since it is the intent of the Miami Township Police Department to acquire the best individuals possible for employment, one important aspect of evaluation is reviewing the applicant's past behavior, both personal and work related. Research supports the position that a reasonably reliable predictor of future behavior is past behavior. It is believed that if a person has habitually demonstrated a pattern of unacceptable behavior in the past, it is reasonable to believe that those same patterns could be considered as a predictor of future behavior. Following are the primary criteria set forth for determining the suitability of a candidate, with the first four listed being the most discretionary.

- **Drug Usage within the Past Two Years (All Applicants) or Drug Usage Anytime While Employed as a Police Officer** - Given the climate and attitudes of today's society, and considering the availability of illegal drugs as well as peer pressure, the Police Department believes that it would be nearly impossible to attempt to staff any department with the expectation that in an applicant's lifetime he/she would not have ever experimented with drugs in some fashion. To impose a standard that would require that a person have had absolutely no drug involvement in any type in his/her life is unrealistic. Therefore, each candidate will be evaluated according to the amount and frequency of the scheduled drug used, cultivated, sold, purchased or gifted, while taking into consideration the dates of each incident. Note: for the purposes of this standard, the 'purchase' of marijuana or other illegal drugs includes those purchases made by pooling of resources or money by the applicant and others for illegal substances for their own use.
- **Work History** - A person who clearly demonstrated a poor work ethic, including excessive absenteeism, habitual tardiness, absences without leave, the inability to perform the simple tasks and duties of a job, or overall unreliability, would not be considered a good candidate for the Miami Township Police Department.
- **History of Traffic Violations (Sworn Personnel)** - A person who has frequently been charged with traffic violations (accidents, moving violations, DUI, revocation of driver's license, etc.) would clearly pose the potential for liability to the Township, as well as a personal threat to its citizens.
- **Credit History** - Utilizing the hypothesis that past behavior is a predictor of future behavior, and realizing that a police employee is viewed by the citizenry as being held to higher standards, the Department believes that it is not reasonable to place an applicant with a recent history of difficulty in maintaining sound financial responsibility into a position with such high exposure to those who would compromise it. Acceptable candidates will have demonstrated a good credit record for the past four to five years. In addition, the candidate's total experience may be evaluated regarding acceptability.
- **Inability to Meet Medical Requirements** - Each applicant must be in good health, free of communicable and cardiovascular disease, and fit to perform the

tasks required of their jobs. This standard is liberal and requires a judgment of a licensed physician. Temporary illness and impairments may be considered in the overall evaluation of the candidates.

- **Dishonesty and/or Intentional Omissions Made during the Selection Process** will result in Ineligibility and Dismissal. The Ohio Revised Code provides penalties for making false statements of a material fact or for practicing fraud or deception in obtaining or attempting to obtain employment. Such penalties include rejection for appointment, discharge after appointment and/or prosecution under Ohio Revised Code Section 2921.13.
- **Any Other Pertinent Information** gathered during the background investigation that may render a candidate unsuitable for duty in the Police Department is considered.
- **Failure to Successfully Complete** any phase of the testing procedure. By failing to: obtain a passing score, obtain an acceptable and/or required level of performance or failure to attend any phase of the testing procedure.
- **Waivers, Withdrawal from Consideration or Declination of Appointment** submitted orally or in writing, is undisputed cause for the removal of applicants from the selection process.

#### 31.4.6 Records

All records of applicants not appointed to probationary status shall be maintained to ensure continuing research, independent evaluation and defense against lawsuits. The Chief of Police shall determine requirements, consistent with Department procedures and applicable laws, for maintaining identifying information, such as names and addresses. Such requirements shall comply with all federal, state and local requirements for the privacy, security and freedom of information of all applicant records and data. The records shall be maintained in a secure file in the office of the Accreditation Manager or in the Township Personnel Management office pursuant to the Schedule of Records Retention & Disposition.

The Accreditation Manager shall maintain all selection materials in a secure file in his/her office or in a secure storage room. It shall be the policy of the Miami Township Police Department, that whenever the disposal of selection material is authorized, the material shall be shredded.

The results of background investigations conducted on applicants shall be filed in accordance with the following procedure:

- The applicant is appointed to the position of probationary employee (hired); the results of the background investigation shall be placed in the employees personnel file.

- The applicant fails to receive an appointment as a probationary employee (not hired); the results of the background investigation shall be securely stored by the Township Personnel Management office pursuant to the Schedule of Records Retention & Disposition.

The results of the medical and psychological examinations conducted on applicants shall be filed in accordance with the following procedure:

- The applicant is appointed to the position of probationary employee (hired); the results of the medical & psychological examinations shall be placed in the employees personnel file.
- The applicant fails to receive an appointment as a probationary employee (not hired); the results of the medical & psychological examinations shall be stored in a secured area of the Township Personnel Management office pursuant to the Schedule of Records Retention & Disposition.

#### **31.4.7 Selection Criteria**

The selection criteria for all sworn positions are identical as it pertains to skill, knowledge and ability; and are not dependent upon full-time status. Experience, physical condition, and other job-related selection criteria applicable to full-time sworn officers apply equally to sworn officers who are not full-time.

#### **31.4.8 Sworn Appointment Requirements**

Any sworn position must possess a valid, current Peace Officers certification issued by the Ohio Peace Officers Training Council at the time of the conditional offer of employment.

**DIRECTIVE 31.5  
RECRUITMENT AND SELECTION -  
ADMINISTRATIVE PRACTICES AND PROCEDURES**

<b>Issue Date: 06/05/2020</b>	<b>By Order of Chief of Police</b>
<b>Rescinds: (Issue 07/08/2015)</b>	<b>CALEA Standards Referenced: 31.5.1; 31.5.2; 31.5.3; 31.5.4; 31.5.5; 31.5.6; 31.5.7 &amp; 31.5.8</b>
<b>Pages: 4</b>	

**This directive consists of the following sections:**

- 31.5.1 Background Investigations**
- 31.5.2 Training**
- 31.5.3 Truth Verification**
- 31.5.4 Conducted By Certified Personnel**
- 31.5.5 Use of Results**
- 31.5.6 Medical Examinations**
- 31.5.7 Emotional Stability/Psychological Fitness Examinations**
- 31.5.8 Entry Level Probation**

**POLICY AND PROCEDURE:**

A job related, useful and nondiscriminatory selection process is dependant upon a number of professionally and legally accepted administrative practices and procedures. These procedures and practices significantly contribute to a more efficient, effective and fair selection process; that will result in the appointment of individuals who possess the skills, knowledge and abilities necessary for the Miami Township Police Department to provide effective services in the fulfillment of its stated mission.

**31.5.1 Background Investigations**

The background investigation will entail the applicant completing the Personal History Questionnaire (PHQ). The PHQ is a document which requires the applicant to answer in detail, questions relating to relatives, references and acquaintances; education; residence history; experience and employment; military service; financial history; legal history; motor vehicle operation and law enforcement information.

The background investigator will use the PHQ to verify the applicants' veracity and background through interviews with the applicant, his or her family, friends, employers, teachers, neighbors, associates and other persons who may have information bearing on the applicant's character and reputation. The investigator will:

- Verify the information given by and the qualifying credentials of the applicant;

- Conduct an in-depth review for and of any criminal record;
- Will verify and interview a minimum of three of the applicants' listed personal and professional references;
- Will verify education;
- Will verify employment history;
- Conduct a review of relevant national or state decertification resources, if available.

Thus, the background investigation's purpose is to ensure that each applicant is morally, socially and financially stable. It is essential to know if the candidate has a background that could bring discredit to the Department or the applicant after their appointment or that might otherwise compromise their ability to perform police duties.

The applicant will also be required to sign an "Authority to Release Information" which gives the background investigator the legal authority to obtain needed information.

### **31.5.2 Training**

The Department will only use personnel who have successfully completed a course of instruction in conducting background investigations to investigate and gather information on applicants during the background investigation process.

### **31.5.3 Truth Verification**

Candidates are provided a list of areas from which polygraph questions will be drawn. The list is given at the time of their preliminary application and again at the time the Applicant Personal History Questionnaire (PHQ) is completed.

The following is a list of possible areas from which the polygraph questions will be drawn:

- Personal Identity
- Employment History
- Military Service
- Financial History
- Legal History/Arrest Records
- Motor Vehicle Operation
- Law Enforcement Information
- Responses Given on the APHQ

### **31.5.4 Conducted By Certified Personnel**

Polygraph examinations for applicants to the Department will be conducted only by persons trained in polygraph procedures and who possess credentials in the use and interpretation of these investigative tools. The credentials of the polygraph examiner(s) are to be on file with the Assistant to the Chief of Police.

### **31.5.5 Use of Results**

The polygraph examination is never used by the Department as a single or sole determinant of employment status. Rather, polygraph examinations and interpretations are an investigative aid to be considered with other information, including pretest, test or post-test interviews, psychological examinations and information gathered from the background investigation.

### **31.5.6 Medical Examinations**

The medical examination is done to assess the applicant's physical status as to his/her ability to safely perform specific types of work without risk to self, to others, or to the department. The medical examination will be conducted by a licensed health care professional. The applicant must successfully pass this phase to continue in the testing procedure. Passing criteria is based on medical, laboratory and ancillary testing. Applicants must receive the Physician's opinion that he/she has no expected limitations based on job description.

The medical examination shall include the following:

#### Family and Personal Health History

- EKG
- Blood Pressure Screening (Hypertension)
- Hyperlipidemia
  - Cholesterol (HDL/LDL)
  - Triglycerides
  - Glucose
- Heart Rate
- Chest X-ray
- Obesity-Body Fat Count
- Hearing Test
- Vision Test
- Drug Screen

### **31.5.7 Emotional Stability/Psychological Fitness Examinations**

A psychological examination of highly reliable and time-proven psychological tests is administered to help determine the emotional stability and psychological fitness of a sworn applicant. The applicant must successfully pass this phase to continue in the testing procedure.

Such tests are needed to identify those applicants who might not be able to carry out their responsibilities or endure the stress of the working conditions.

Only qualified professionals will be used to administer the psychological examination and assess emotional stability and psychological fitness.

### **31.5.8 Entry Level Probation**

Every newly hired sworn employee will be required to successfully complete a probationary period. The probationary period for new sworn employees shall begin on the first day for which the new employee received compensation from the employer and shall continue for a period of eighteen months. A probationary employee may be discharged any time during the probationary period. A probationary employee shall have no right of appeal through the grievance procedure for any disciplinary action. A probationary employee absent from work more than ten work days during their probation shall have the probationary period extended by the amount of days they are absent.

Non-sworn personnel serve a 12-month probationary period governed by Miami Township Policy and Procedure Section II, 2.7.

**DIRECTIVE 33.1  
TRAINING ADMINISTRATION**

<b>Issue Date: 06/05/2020</b>	<b>By Order of Chief of Police</b>
<b>Rescinds: (Issue 12/21/2018)</b>	<b>CALEA Standards Referenced: 33.1.1; 33.1.2; 33.1.3; 33.1.4; 33.1.5; 33.1.6 &amp; 33.1.7</b>
<b>Pages: 5</b>	

**This directive consists of the following sections:**

- 33.1.1 Training Committee**
- 33.1.2 Training Attendance Requirements**
- 33.1.3 Outside Training Reimbursement**
- 33.1.4 Lesson Plan Requirements**
- 33.1.5 Remedial Training**
- 33.1.6 Employee Training Record Maintenance**
- 33.1.7 Training Class Records Maintenance**

**POLICY & PROCEDURE**

The Miami Township Police Department recognizes the necessity of training to fulfill its obligation in providing professional law enforcement services to the community it serves. Training provides the employee with professional growth and capabilities for both current and future job roles. This obligation extends not only to providing the training necessary for the department to achieve its objectives but provides for the individual career development of its employees. Improvement of personnel skills, knowledge and abilities promotes productivity, efficient and effective job performance and an improved level of job satisfaction. Miami Township Police Department is committed to provide training and educational opportunities to all members at all levels.

**33.1.1 Training Committee**

Miami Township Police Department maintains a training committee for the purpose of developing programs and evaluating training requirements of the department. The training committee consists of an assigned Training Coordinator, a Lieutenant and a State certified department instructor.

The training committee shall meet as necessary to review and develop training objectives. The committee shall establish a schedule of annual in-service training. The committee shall review the work of the training component and make recommendations to improve the department training program. The committee may review training materials and

training evaluations to determine the most effective training resources and methods for the department.

### Training Coordinator Functions

The department's training function is administered by the Training Coordinator. This position is responsible for the planning, administration and reporting of all aspects of the training function. Specific responsibilities of the position include:

- The training coordinator will notify personnel of required training and training that is available to department personnel.
- The training coordinator will make provisions to ensure that required training programs are attended.
- The training coordinator will maintain all training records and provide necessary and appropriate reports.

### 33.1.2 Training Attendance Requirements

The training committee will establish which training programs are mandatory in nature.

Attendance rosters will be compiled at all department in-service training programs.

When a training program has been identified as mandatory in nature, absences will be allowed only under the following circumstances:

- Approved vacation leave
- Personal illness or emergency
- Court appearance
- Other training commitment

An employee who is absent from mandatory training may be required to make up/complete the mandatory training. In the case of an excused absence, the department may make arrangements for the employee to make up/complete the mandatory training. In the case of an unexcused absence the department may require the employee, at their own expense and time, to make up/complete the mandatory training. This may be in addition to any disciplinary action if applicable.

### 33.1.3 Outside Training Reimbursement

A Miami Township issued credit card is available for use by Township employees for approved travel and training expenses. The expense for employees who are required by the department to attend training schools, seminars, or other instructional or educational programs, to increase their knowledge and further their competency in their employment shall be paid for by the department as follows:

- Registration fees, tuition charges for the training school, seminar, educational or other instructional program.
- The employer shall pay for meals when not provided by the tuition at the rate set

in the Miami Township Personnel Policies & Procedure, Section VI.6.1 & 6.2. Employees using the credit card or requesting personal reimbursement for meal expenses shall request a separate check for their meal expenses. The only exception to this is if multiple Miami Township employees are on a combined check. If that occurs, all employee names shall be written on the receipt/expense report.

- The employer shall pay the allowable mileage rate as specified in the Federal Income Tax code, plus tolls and parking fees when an employee is authorized to use a personal vehicle for transportation when not provided with a department vehicle. The employee shall be reimbursed for mileage to and from the training facility on one occasion each way unless otherwise authorized by the Chief of Police. All other mileage shall be considered as non-work related and non-reimbursable.
- Lodging charges when lodging is not provided as a term of tuition payment. If more than one employee is attending the training, two employees of the same gender are required per room.
- All necessary items, tools and equipment required by the course of instruction, unless such item, tool or equipment can be provided by the department.
- Proof of incurred or paid expense shall be submitted with a Township Expense Report, a copy of the completion certificate issued for the training (if not unduly delayed by mail or other reasons) and a Training Evaluation Report, if requested. Should an employee incur expenses where a Township Credit Card was not used; the employee shall submit the same documents with reimbursement to employee indicated on the Township Expense Report.

#### **33.1.4 Lesson Plan Requirements**

All training programs conducted by the department or sponsored by the department shall require a lesson plan. Lesson plans shall be submitted to the Training Coordinator for approval prior to the training date.

Lesson plans shall establish the purpose of the instruction, set forth the performance and job-related objectives of the instruction and identify the matters that will be taught.

Lesson plan format shall be consistent with the format used by the Ohio Peace Officers Training Council for basic training programs which consists of:

- References and Resources
- Instructional techniques
- Relationship to job tasks
- Responsibilities of the participants for the material taught
- Plan for evaluation of the participants

The Training Coordinator shall ensure that the lesson plan is consistent with training requirements, applicable law and department objectives. The lesson plan will be submitted to the Chief of Police for final approval. The Chief of Police shall give the approved lesson plan to the Training Coordinator for record keeping.

The format for testing will be determined by the content of material, the performance objectives for a task to be tested and the format of an applicable lesson plan. Testing format may be written, or performance based.

When possible, competency-based tests that use performance objectives and measure participant's knowledge of and ability to use job-related skills will be used.

Scores for testing material shall be: pass-fail for performance-based tests and a minimum score of eighty percent (80%) based on a total value of one hundred percent (100%) will be required to pass written tests.

### **33.1.5 Remedial Training**

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 trained under the Field Training Officers program shall be subject to the remedial training guidelines for that procedure.

The need for remedial training will normally be recognized during routine supervisory evaluation, during training, evaluation during routine job performance, or during inspections.

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.

Training which is identified as remedial training shall be scheduled as soon as practical or as required by department directive and must be satisfactorily completed by the employee.

It shall be the responsibility of the Instructor of in-house training to schedule and document the remedial training needed by an employee.

The department may provide in-service training of a remedial nature or may choose to require the employee to attend a course of training provided by an outside agency that will address the remedial training need(s) of the employee(s).

Employee(s) identified as needing remedial training will attend the appropriate classes. Failure to report to the required training will be reported to the Chief of Police. Any employee who fails without cause to attend required remedial training shall be subject to disciplinary action.

The Chief of Police will review all recommendations for remedial training of an employee to determine if the department and/or its training component have failed to adequately train the employee.

The Chief of Police will review the nature and content of all recommendations for remedial training to assess the possibility of refresher type remedial training for all members of the department due to changes in law, methods of operation, etc.

The Chief of Police will review the nature and content of all recommendations for remedial training to assess content and function of initial (basic recruit) training.

### **33.1.6 Employee Training Record Maintenance**

The Training Coordinator shall maintain a list of training attended and dates of attendance for each employee and shall place a copy of any applicable certificate and/or document of attendance and performance in the employees training file. Training files may be kept in hard copy or electronic format.

Training records shall contain the following information:

- Officer's name
- Course title, location and dates of training
- Total number of hours of instruction
- Certificate earned (if issued)

The designated Instructor shall be responsible for documenting each employee's attendance and participation in any training program.

Each employee is responsible for forwarding training certificates or documents of attendance to the Training Coordinator for inclusion into their training file.

### **33.1.7 Training Class Records Maintenance**

The Training Coordinator will maintain records of all in-service training programs. The records shall include:

- Copy of the course title, course content and lesson plan;
- Names of those persons who attended the training;
- Results of any testing administered.

Employees who desire to attend training programs other than the department in-service training programs shall complete a Training Request form and an Out of Township Travel Request Form (if required) and submit the form to their immediate supervisor.

The training records shall be maintained in the office of the Training Coordinator pursuant to the Schedule of Records Retention & Disposition.

## **DIRECTIVE 33.2 ACADEMY TRAINING**

<b>Issue Date: 06/05/2020</b>	<b>By Order of Chief of Police</b>
<b>Rescinds: (Issue 09/22/2015) Pages: 2</b>	<b>CALEA Standards Referenced: 33.2.3 &amp; 33.2.4</b>

**This directive consists of the following sections:**

**[33.2.1 Academy Administration and Operation - N/A By Function](#)**

**[33.2.2 Academy Facilities - N/A By Function](#)**

**[33.2.3 Outside Academy, Role](#)**

**[33.2.4 Outside Academy, Agency Specific Training](#)**

### **POLICY AND PROCEDURE:**

Basic police training in the State of Ohio has been standardized by the formation of the Ohio Peace Officers Training Council (OPOTC) as authorized by Section 109.79 of the Ohio Revised Code, which states the following:

‘The Ohio Peace Officer Training Council shall establish and conduct a training school for law enforcement officers of any political subdivision of the state. The school shall be known as the Ohio Peace Officer Training Academy. The Ohio Peace Officer Training Council shall develop the training program, which shall include courses in both the civil and criminal functions of law enforcement officers and shall establish rules governing qualification for admission to the academy. The council may require competitive examinations to determine fitness of prospective trainees, so long as the examination or other criteria for admission to the academy are consistent with the provisions of Chapter 124 of the Revised Code.’

The Ohio Peace Officer training Council has established the criteria for the operation of basic police training throughout the State of Ohio in the Peace Officer Training Council Rules and Regulations (Ohio Administrative Rules, Chapter 109). Certification of a recruit by the Executive Director of the Ohio Peace Officer Training Council shall serve as proof of compliance of the recruit with training standards promulgated by the Training Council.

### **[33.2.1 Academy Administration and Operation – N/A By Function](#)**

Miami Township Police Department does not participate in Academy Administration and Operation.

### **33.2.2 Academy Facilities – N/A/ By Function**

Miami Township Police Department does not participate in Academy Facilities.

### **33.2.3 Outside Academy, Role**

It is the policy of the Miami Township Police Department that all police officers will comply with the state mandated basic training certification of the Ohio Peace Officer Training Council. The Department will review the training records of newly hired police officers prior to beginning employment with the Department. The purpose of such review is to determine if the prior training of the recruit officer meets the Department's standards for basic police training. Officers who have been previously OPOTC certified through other academies other than the full-time academies of the Ohio State Highway Patrol Academy and the Ohio Peace Officer Training Academy may be assigned to complete further basic police training assignments prior to release to field training.

All newly sworn personnel will have successfully completed basic recruit training in accordance with the Ohio Revised Code and rules and regulations of the Ohio Peace Officers Training Council.

The staffing, facilities, instructors or other resources required to operate these academies will be the sole responsibility of the academy, subject to the rules of the OPOTC.

The Miami Township Police Department assumes all normal liabilities of its employees being training at an outside training academy.

When a new officer is hired, the Assistant to the Chief of Police shall forward to the Ohio Peace Officer Training Council the Notice of Peace Officer Appointment/Termination Form.

### **33.2.4 Outside Academy, Agency Specific Training**

In addition to the training and skills taught at an outside academy, the department will provide instruction in department directives, police and procedures and rules and regulations specific to the Miami Township Police Department. This training shall be covered during the newly sworn officer's field training program.

## DIRECTIVE 33.3 TRAINING INSTRUCTORS

<b>Issue Date: 06/08/2020</b>	<b>By Order of Chief of Police</b>
<b>Rescinds: (Issue 05/08/2009) Pages: 1</b>	<b>CALEA Standards Referenced: 33.3.1</b>

**This directive consists of the following sections:**

### **33.3.1 Instructor Training**

#### **POLICY AND PROCEDURE:**

It is the policy of the Miami Township Police Department to maintain high quality and standards related to the training instructors used by the Department in its training programs. All training programs will be instructed by personnel approved by the Training Coordinator. Training instructors may be from within the Department or the Department may obtain an instructor from outside the Department when the training subject requires special expertise.

### **33.3.1 Instructor Training**

Personnel who are assigned as department training instructors to instruct courses mandated by state law will be required to possess an instructor's certification from the Ohio Peace Officer Training Council. These instructors shall receive training which includes, at a minimum:

- Lesson Plan Development
- Performance Objective Development
- Learning Theory
- Testing and Evaluation Techniques
- Resource Availability and Use

Personnel having expertise in a subject matter may be considered for designation as a training instructor in their field without specific instructor training on a case-by-case basis.

Personnel assigned to be training instructors shall maintain tenure during such time as all necessary certification are current but may be removed by the Chief of Police for just cause.

# DIRECTIVE 33.4 RECRUIT TRAINING

<b>Issue Date: 09/01/2020</b>	<b>By Order of Chief of Police</b>
<b>Rescinds: (Issue 06/08/2020)</b>	<b>CALEA Standards</b>
<b>Pages: 6</b>	<b>Referenced: 33.4.1; 33.4.2; 33.4.3 &amp; 33.4.4</b>

**This directive consists of the following sections:**

- [\*\*33.4.1 Recruit Training Required\*\*](#)
- [\*\*33.4.2 Recruit Training Program\*\*](#)
- [\*\*33.4.3 Field Training Program\*\*](#)
- [\*\*33.4.4 Entry Level Training\*\*](#)

## **POLICY AND PROCEDURE:**

Miami Township provides a formal and uniform training period for newly hired sworn personnel. The program provides experience, guidance and supervision so the probationary officer may develop a high standard of judgment, conduct and appearance. Recruits are given specific direction regarding the skills, knowledge and abilities to be assessed, taught or performed with the field training officer. This direction aids in the evaluation of probationary personnel in their performance of basic police responsibilities, tasks and procedures.

### **33.4.1 Recruit Training Required**

All newly sworn personnel will have successfully completed basic recruit training in accordance with the Ohio Revised Code and the rules and regulations of the Ohio Peace Officers Training Council, prior to any routine assignment in any capacity in which the officer can carry a firearm or is able to make an arrest.

### **33.4.2 Recruit Training Program**

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.

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.

The Basic Law Enforcement Training Academy provides an orientation handbook to all new recruit personnel at the time training begins.

### **33.4.3 Field Training Program**

#### **Field Training Program Overview and Duration**

The Miami Township Field Training Program (FTP) consists of two phases.

#### **Phase I**

Orientation conducted during the probationary officer's first week of employment and prior to his/her assignment for Field Training.

Orientation consists of administrative tasks relative to employment and benefits, a tour with introductions to various functions of the department, a meeting with assigned field training officers for an overview of the field training program, review of Miami Township Personnel Policies and Procedures, Police Department Directives, Written Directives System, Collective Bargaining, Accreditation and Training & Career Development. Additionally, entry level testing for required ICS courses shall be provided, if needed.

The probationary officer shall also receive instruction in the department's Use of Force Policy and become qualified in the use of any authorized firearm and any issued less lethal weapon.

#### **Phase II**

Phase II of the FTP commences upon assignment with a Field Training Officer (FTO) for field training for a period up to 18 weeks and a minimum of eight weeks for officers with documented prior experience.

During Phase II of the Field Training Program the probationary officer will be instructed by the assigned FTO according to the Field Training Guide. This guide requires the newly hired officer to successfully demonstrate basic police responsibilities, skills, tasks and procedures in accordance with the department guidelines.

During the first week of Phase II the probationary officer will act as an observer, giving the new officer time to become familiar with the department, community and field training program requirements. During this week, the probationary officer shall not receive daily evaluations from the FTO.

During the second week through completion of this phase the recruit shall receive daily evaluations (DER) from the FTO or FTO Supervisor.

Upon completion of Phase II of the Field Training Program the Field Training Program Coordinator (FTPC), Patrol Bureau Lieutenant and the probationary officer's primary supervisor will review all documentation pertaining to the officer's performance and training. Upon review of the facts, the FTPC and the Lieutenant shall make a

recommendation to the Chief of Police to clear the officer for probationary solo patrol, continue the officer in Phase II of the FTP with specific remedial training to correct deficiencies, or terminate the employment of the officer.

The Patrol Bureau Lieutenant shall continue to monitor the progress of the probationary officer throughout his placement on regular assignment.

#### Field Training Program Coordinator

The Patrol Division Lieutenant may appoint a Field Training Program Coordinator (FTPC) with the concurrence of the Chief of Police. The FTPC shall exhibit the same characteristics as those required of an FTO with the following responsibilities:

- The FTPC shall prepare, disseminate, review and approve forms used in the Field Training Program.

#### Selection Process for Field Training Officers

Officers are encouraged to volunteer for selection as a Field Training Officer. Supervisors may solicit or recommend officers for participation in the program. Field Training Officers are appointed by the Patrol Division Lieutenant with the concurrence of the Chief of Police. The following selection criteria apply:

- The officer must have mastered the tasks of uniform patrol. All field-training officers must be able to demonstrate the proper techniques for accomplishment of both routine duties and unusual assignments.
- The officer must have a thorough working knowledge of the Directives, Policies, Procedures, Rules and Regulations of the department and Township.
- The officer must demonstrate a thorough working knowledge of the laws and criminal rules of procedure applicable to the performance of police patrol function.
- The officer shall maintain above average shift activity contacts.
- The officer shall be dedicated to department goals and objectives, and must have a good attitude toward their duties, fellow officers, and supervisors and consistently strive toward self-improvement. The officer should exhibit exemplary conduct both on and off duty.
- The officer must have the requisite skills necessary to become a reliable evaluator of a trainee's performance. The officer must have good communication skills to adequately communicate to the trainee and to clearly write evaluations of the trainee's performance, and any other documentation that may be required.
- The officer's age and length of service within law enforcement will be a factor in selection, although the officer's ability and attitude will be the predominate factors relating to this portion of the selection criteria.

### *Supervision of Field Training Officers*

It is the responsibility of the FTPC to review and approve all forms completed by the FTO for accuracy and completeness.

The FTPC will confer with the probationary officer's FTO on a monthly basis to determine problem areas and establish training programs to assist the probationary officer in correcting any noted deficiencies.

The shift Sergeant is responsible for the supervision of any FTO on their shift.

### *Liaison with Academy Staff*

Miami Township Police Department conducts the field training program in-house and liaison with an Academy staff is not applicable.

### *Training and In-Service Training of Field Training Officers*

It shall be the responsibility of the Training Coordinator to evaluate and maintain the training of all FTO's.

An officer who is selected to be an FTO, shall prior to being assigned a probationary officer, be required to attend and successfully complete a course of instruction in the fundamentals of being an FTO.

Periodic in-service training may be provided for designated FTO's to prepare them for and keep them current with their assignment as an FTO.

### *Rotation of Recruit Field Assignments*

Probationary officers are assigned a primary and one or more secondary FTO's. The primary and secondary FTO's shall be on different shifts, allowing the probationary officer to be scheduled for no less than two weeks on the secondary FTO shift. The probationary officer may be assigned to work with a Detective for up to two weeks during or immediately following their field training.

### *Evaluation Guidelines*

The FTO will explain and demonstrate the directives, policies, procedures, rules and regulations of the department, as well as those duties required for the probationary officer to gain the fundamental knowledge to perform the required tasks of a police officer. The field training officer will test the probationary officer's knowledge by asking relevant job-related questions and or administering written tests relevant to the job required tasks.

The FTPC is available to assist the FTO in creating written tests. The FTO will direct and guide the probationary officer through the field training period so that the probationary officer obtains an understanding of how and why duties are performed. The field training officer will as appropriate, allow the probationary officer to perform such tasks that the FTO feels the probationary officer is competent and ready to perform.

Each probationary officer's progress as they proceed through the training program is recorded by means of written evaluations. The evaluation process is an important as the training process, as one without the other is unworkable and makes the learning process impossible. Evaluations serve the following purposes:

- Record and document the probationary officer's progress.
- Inform the probationary officer of the performance level at a point in time.
- Identify training needs and document training efforts.
- Chronicle the skills and efforts of the FTO.
- Provides needed feedback to the FTPC, Shift Sergeant and Chief of Police.

Each probationary officer is evaluated in multiple categories. Miami Township Police Department utilizes standardized evaluation guidelines to ensure each probationary employee's training will be equal and standard throughout the program. The standardized evaluation guidelines must be applied to all probationary officers regardless of their experience level, time in the field training program or other incidental factors.

The Patrol Division Lieutenant shall confer with the FTPC and/or FTO concerning the probationary officer's progress throughout the evaluation period. The Chief of Police may periodically request a memo or email in relation to the probationary officer's progress.

### [Reporting Responsibilities of the Field Training Program](#)

#### [Field Training Officer](#)

The FTO will complete forms required and used in the field training program. All forms shall be signed by the FTO and the probationary officer. These forms include:

Daily Evaluation Form (DER)  
Monthly Evaluation Form  
Final Evaluation Form (Primary FTO)

The FTO shall also maintain the Basic Police Responsibilities, Tasks and Procedures Checklist and the Field Trip Checklist.

#### [Field Training Program Coordinator](#)

The FTPC shall review, approve and sign the required forms of the field training program.

When the probationary officer has successfully demonstrated his/her ability to perform as a police officer on solo patrol, all necessary field training forms will be reviewed, completed and forwarded to the Patrol Division Lieutenant for his/her review and determination to release the probationary officer from the field training program.

Upon release, all field training forms shall be securely maintained by the department Training Coordinator, in accordance with any applicable records retention requirements.

#### **33.4.4 Entry Level Training**

Miami Township 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 Miami Township 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.

**DIRECTIVE 33.5**  
**IN-SERVICE, SHIFT BRIEFING & ADVANCED**  
**TRAINING**

<b>Issue Date: 09/01/2020</b>	<b>By Order of Chief of Police</b>
<b>Rescinds: (Issue 06/08/2020)</b>	<b>CALEA Standards</b>
<b>Pages: 3</b>	<b>Referenced: 33.5.1; 33.5.2;</b> <b>33.5.3 &amp; 33.5.4</b>

**This directive consists of the following sections:**

[\*\*33.5.1 Annual In-Service Training Program\*\*](#)

[\*\*33.5.2 Shift Briefing Training\*\*](#)

[\*\*33.5.3 Accreditation Training\*\*](#)

[\*\*33.5.4 Accreditation Manager Training\*\*](#)

**POLICY AND PROCEDURE:**

The Miami Township Police Department recognizes the necessity of training to fulfill its obligation in providing professional law enforcement services to the community it serves. Training provides the employee with professional growth and capabilities for both current and future job roles. This obligation extends not only to providing the training necessary for the department to achieve its objectives but provides for the individual career development of its employees. Improvement of personnel skills, knowledge and abilities promotes productivity, efficient and effective job performance and an improved level of job satisfaction. Miami Township Police Department is committed to provide training and educational opportunities to all members at all levels.

**[33.5.1 Annual In-Service Training Program](#)**

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 and consistent with the position held and functions performed. 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 within the department.

Annual training will include the following:

- Continuing Professional Training Requirements set by State of Ohio;
- 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
- All Hazard Table Top or Full Scale Exercise (affected agency personnel).

Triennial training will include the following:

- Dealing with the Mentally Ill.

### **33.5.2 Shift Briefing Training**

The department will forward information to employees using roll call training. Roll call training will be used to relate current information in a timely manner to employees.

Department supervisors will be responsible for planning roll call training, which will generally consist of brief synopses of information, including updates of directive, policy and procedures, court decisions and criminal justice opinions. Any employee of the department may suggest roll call training that would be beneficial to the mission of the department.

Roll call training may include a wide variety of techniques, including but not limited to lecture, videotapes, written document distribution, audio tapes and discussions. Methodology may include lectures, discussions and demonstrations, depending on the nature and content of the material.

Employees who have received update and or specialized training may be utilized to prepare and or present roll call training segments.

Roll Call training will vary in frequency and duration and will be scheduled on an as needed basis. Roll call training may occur during roll call or be incorporated into the members normally scheduled shift.

### **33.5.3 Accreditation Training**

Familiarization with the accreditation process will be provided to all employees as follows:

Newly Hired Personnel - All newly hired personnel shall receive accreditation familiarization training within thirty days after their employment begins. This training will normally be conducted by the Accreditation Manager.

Self Assessment Phase – N/A

On-Site Assessment – All personnel shall receive an accreditation refresher course prior to an on-site assessment.

### **33.5.4 Accreditation Manager Training**

The role of Accreditation Manager is very specialized and requires familiarization with the accreditation process and all aspects of department operations. Employees assigned to the position of Accreditation Manager shall receive specialized accreditation training within one year of being appointed, which will include information on the essential components of the process, the standards manual, file maintenance and the assessment review cycle and requirements. The Accreditation Manager shall be responsible for providing appropriate training to other agency personnel assigned to the accreditation process.

## **DIRECTIVE 33.6 SPECIALIZED IN-SERVICE TRAINING**

<b>Issue Date: 10/07/2020</b>	<b>By Order of Chief of Police</b>
<b>Rescinds: (Issue 06/08/2020) Pages: 5</b>	<b>CALEA Standards Referenced: 33.6.1 &amp; 33.6.2</b>

**This directive consists of the following sections:**

- 33.6.1 Specialized Training**
- 33.6.2 Tactical Team Training Program**

### **POLICY AND PROCEDURE:**

Miami Township Police Department provides training to meet the requirements of job responsibilities as identified by a job task analysis for specialized and supervisory positions.

#### **33.6.1 Specialized Training**

A list of recommended training, education and developmental courses shall be developed and maintained for specialized and supervisor positions.

Particular courses or elements of training may be identified as recommended training for certain specialized positions and other training may be suggested as optional training.

Specialized training required for certification in a specialized position will be initiated upon the employee's assignment to the position requiring such training. If retraining requirements for the certification are required, they shall be maintained.

Specialized training is intended to enhance skills, knowledge and abilities above and beyond that level taught in either recruit or other in-service programs. Specialized training may address supervisory, management or executive development training and also include technical and job specific topics.

Specialized training shall include the following elements:

- Development and or enhancement of the skills, knowledge and abilities particular to the specialization.
- Management, administration, supervision, personnel policies of operations or support services in each function or component.
- Performance standards of the function or component.
- The department's directives, policies, procedures, rules and regulations specifically relation to the function or component.

- Supervised on the job training.

The following supervisory, specialized or additional duty assignments may require training specific to that position or assignment.

- Chief of Police
- Lieutenant
- Sergeant
- Corporal
- Detective
- Traffic Safety Officer
- School Resource Officer
- DARE Officer
- Crime Prevention/Community Relations/Accreditation Management Officer
- Bike Unit Officer
- Honor Guard Officer
- Assistant to the Chief of Police
- Records Clerk

### *Chief of Police*

#### Recommended Training

- LEAD Clermont
- FBI National Academy

### *Lieutenant*

#### Recommended Training

- School of Police Staff & Command (SPSC)
- Police Executive Leadership College (PELC)
- Case Management (Inv LT)
- Media Relations

#### Optional Training

- FBI National Academy
- Certified Law Enforcement Executive (CLEE)

### *Sergeant*

#### Recommended Training

- First Line Supervision

- Police Executive Leadership College (PELC)
- Internal Investigations

#### Optional Training

- FBI Leadership Course
- Media Relations

#### *Corporal*

#### Recommended Training

- First Line Supervision
- Police Executive Leadership College (PELC)

#### *Detective*

#### Recommended Training

- Criminal Investigations (Multi-Levels)
- Evidence Technician
- Crime Victim's Rights & Responsibilities

#### Optional Training

- Case Management

#### *Traffic Safety Officer*

#### Recommended Training

- Crash Investigation Level 1 & 2

#### Optional Training

- Crash Investigation Level 3
- Crash Reconstruction

#### *School Resource Officer*

#### Recommended Training

- SRO Basic Training
- ALICE

### Optional Training

- Basic Criminal Investigations

### *DARE Officer*

#### Recommended Training

- DARE Basic Training
- SRO Basic Training
- ALICE

### Optional Training

- DARE Junior High Training
- GREAT Basic Training

### *Crime Prevention/Community Relations Officer/Accreditation Manager*

#### Recommended Training

- Crime Prevention Officer Certification
- Crime Victim's Rights & Responsibilities
- CALEA Accreditation Management

### Optional Training

- Basic Criminal Investigations
- ALICE

### *Bike Patrol Officer*

#### Recommended Training

- Police Bicycle Patrol Basic Training

### *Honor Guard Officer*

#### Recommended Training

- Honor Guard Training

### *Administrative Assistant*

#### Recommended Training

- Public Records Management
- Notary Training & Certification
- Records Management Software Training
- LEADS

### *Records Clerk*

#### Recommended Training

- LEADS
- NIBRS
- Public Records Management
- Notary Training & Certification
- Records Management Software Training

### **33.6.2 Tactical Team Training**

Miami Township Police Department personnel selected to participate on the Clermont County Sheriff's Office (CCSO) Special Response Team (SRT) shall participate in all required training sessions.

Personnel shall be excused from regular assignments to attend training if there is a conflict between the two schedules.

The shift supervisor shall release personnel to deploy with the SRT when a notice to deploy has been received.

If possible, the SRT member shall return to duty after a deployment is completed.

After each deployment with the SRT, the Miami Township employee involved shall complete a thorough incident report describing his/her participation in the deployment.

# DIRECTIVE 33.7 NON-SWORN TRAINING

<b>Issue Date: 06/08/2020</b>	<b>By Order of Chief of Police</b>
<b>Rescinds: (Issue 05/08/2009) Pages: 2</b>	<b>CALEA Standards Referenced: 33.7.1 &amp; 33.7.2</b>

**This directive consists of the following sections:**

**[33.7.1 Non-Sworn Orientation](#)**

**[33.7.2 Non-Sworn Pre-Service and In-Service Training](#)**

**POLICY AND PROCEDURE:**

It is the policy of the Miami Township Police Department to provide civilian employees with pre-service and in-service training to meet the requirements of job responsibilities as identified by a job task analysis for their respective position classification. Training for civilians may include the legal, safety and coordinative responsibilities of the assignment, including dealing with the public. The training of employees who predominantly deal with citizens or personnel assigned to informational posts will stress not only the skills necessary to perform the technical aspects of their job, but also the importance of the link that they provide between the citizen and the department. This contact often shapes a citizen's opinion of the department. This training is designed to update skills and to increase knowledge for current, additional or new job responsibilities.

**[33.7.1 Non-Sworn Orientation](#)**

All newly appointed civilian personnel will be presented an orientation program introducing them to the department. The orientation program will include:

- The department's role, mission, goals, directives, policies and procedures.
- Working conditions, rules and regulations.
- Rights and responsibilities of civilian employees.

**[33.7.2 Non-Sworn Pre-Service and In-Service Training](#)**

Civilian positions within the department may require training on specific job tasks prior to assuming the job responsibility. This training may consist of any of the following:

- Formalized classroom instruction
- Reading or comprehension of material presented in the form of written material, manuals, audio or video tapes, or other types of media presented in an appropriate learning format.
- Familiarization with the Township area (Geography and Buildings).

- Specialized training conducted on or off the employer's premises.

The department may provide annual retraining for civilian personnel, which shall be designed to update skills and to increase knowledge of current of new job responsibilities.

**DIRECTIVE 33.8**  
**CAREER DEVELOPMENT AND EDUCATION**

<b>Issue Date: 06/08/2020</b>	<b>By Order of Chief of Police</b>
<b>Rescinds: (Issue 12/20/2019)</b>	<b>CALEA Standards</b>
<b>Pages: 3</b>	<b>Referenced: 33.8.1; 33.8.2 &amp; 33.8.3</b>

**This directive consists of the following sections:**

- [33.8.1 Training for Career Development Personnel Training](#)**
- [33.8.2 Skill Development Training Upon Promotion](#)**
- [33.8.3 Career Development Program](#)**
- [33.8.4 Educational Incentives](#)**

**POLICY AND PROCEDURE:**

The ability of the Miami Township Police Department to meet current and long-range goals and objectives in an efficient and effective manner is largely dependent upon the level of skill, knowledge and ability members bring to their individual assignments, duties and responsibilities. Therefore, it is the policy of the department to provide, to the degree possible, counseling, training and professional development opportunities and assistance to members in choosing, preparing, entering and progressing in department job assignment and job specialties, as well as individual professional growth opportunities that will promote production, efficiency and effectiveness in job performance and improve overall level of job satisfaction.

**[33.8.1 Training for Career Development Personnel Training](#)**

Personnel who provide career development counseling shall undergo training that will provide increased knowledge and skills to conduct career development activities. This shall occur through advanced training and/or during the supervisor’s review of the Performance Evaluation Directive and their demonstration of adequate performance to conduct employee professional development and performance plan assessments. This training may include:

- General Counseling Techniques;
- Techniques for Assessing Skills, Knowledge and Abilities;
- Salary & Benefits;
- Training Opportunities;
- Educational Opportunities and Incentives;
- Record Keeping Activities;
- Career Development Programs of Other Jurisdictions.

### **33.8.2 Skill Development Training Upon Promotion**

Personnel who are promoted may require additional skills to perform the necessary functions of their position. The department shall provide promoted personnel the requisite training necessary for performing the functions of their position. This training shall be provided as soon as possible following promotion.

### **33.8.3 Career Development Program**

Miami Township assists employees in planning their career paths through the utilization of formal schooling opportunities and law enforcement related training courses to improve their skills, knowledge and abilities.

The Miami Township Police Department has developed and maintains a list of recommended training, education and developmental courses for sworn personnel. This five-year career development program begins upon the completion of the field training program.

#### **Year 1**

- Testifying in Court
- Crisis Intervention Training (CIT)
- Intoxilyzer 5000

#### **Year 2**

- Advanced Roadside Impaired Driving Enforcement (ARIDE)
- Basic Crash Investigation
- Firearms, Arrest and Self-Defense Tactics (FAST)

#### **Year 3**

- Basic Crime Scene
- Criminal Investigations

#### **Year 4**

- Interview & Interrogation
- Counter Ambush

#### **Year 5**

- Traffic Crash Investigation Level II

#### **33.8.4 Educational Incentives**

The employer and employees recognize the benefits of continued education and training for professional growth and development. Employees are encouraged by the department to pursue their knowledge and participate in their formal education efforts.

Tuition and educational incentives to Bargaining Unit Members are provided by the department in accordance with the Collective Bargaining Agreements, Article 35. Tuition assistance to employees not covered under a Collective Bargaining Agreement is provided by the department in accordance with the Miami Township Policies & Procedure Manual, Section V. Sections 5.6 & 5.7.

Command officers may exercise discretion in permitting regular schedules to be realigned to allow employees pursuing academic study the ability to do so. Schedule changes will not be detrimental to the operation of the department.

Miami Township personnel in the sworn rank of Lieutenant and above should possess, at a minimum, a Bachelor degree from an accredited college or university. The degree shall be in criminal justice, law enforcement, public administration or a closely related field as determined by the Chief of Police.

**DIRECTIVE 34.1  
PROMOTION - PROFESSIONAL AND LEGAL  
REQUIREMENTS**

<b>Issue Date: 09/10/2020</b>	<b>By Order of Chief of Police</b>
<b>Rescinds: (Issue 05/06/2020)</b>	<b>CALEA Standards</b>
<b>Pages: 7</b>	<b>Referenced: 34.1.1; 34.1.2; 34.1.3; 34.1.4; 34.1.5 &amp; 34.1.6</b>

**This directive consists of the following sections:**

- [34.1.1 Agency Role, Authority and Responsibility](#)**
- [34.1.2 Promotional Process Described](#)**
- [34.1.3 Job Relatedness](#)**
- [34.1.4 Promotional Announcement](#)**
- [34.1.5 Eligibility Lists](#)**
- [34.1.6 Promotional Probation](#)**

**POLICY AND PROCEDURE:**

The promotional process is of vital interest and concern, as promotion brings about recognition, personal satisfaction and added responsibilities. A standardized system is essential to both the department and the individual. Every effort has been made to make the Miami Township promotional process job related, fair and nondiscriminatory. It is the policy of the Miami Township Police Department to promote personnel without regard to race, creed, sex, age or national origin.

**[34.1.1 Agency Role, Authority and Responsibility](#)**

Miami Township Police Department shall maintain standardized procedures pertaining to the promotion of employees to authorized supervisory positions. Such procedures shall be developed in accordance with this directive; the general policies and practices adopted by the Miami Township Board of Trustees and generally accepted practices for promotion of employees to positions of supervision within law enforcement agencies.

The department shall maintain a role in the development and/or selection of the measurement instruments that are used in determining the skills, knowledge and abilities of employees for such supervisory positions.

The Miami Township Police Department has responsibility for the role of conducting a promotional process for its employees. The Township does not have a Civil Service Commission and does not use an external Human Resources Office that can assist with this process.

The Chief of Police is designated by The Board of Trustees and department directive as the principle person responsible for the administration and execution of the promotion process.

The department will maintain the primary role and responsibility for the administration of the promotional system, but the Miami Township Board of Trustees shall retain final approval of any and all candidates recommended for promotion by the Chief of Police.

### **34.1.2 Promotional Process Described**

To identify and select the employees who have the potential for assuming greater responsibility and who possess the skills, knowledge and abilities for promotion to and performance in, a higher rank classification, the Miami Township Police Department has developed a promotional examination process. All procedures used in the promotional process will be job-related and non-discriminatory. The Promotional Process is voluntary and may require off duty testing, interview dates and times. Candidates wishing to receive compensation for such time shall notify their Division Supervisor at least 7 days in advance so scheduling adjustments can be made to accommodate such requests.

#### *Evaluating the Promotional Potential of Candidates*

Any sworn employee, who has completed probation, is eligible for promotion if the employee meets the eligibility requirements as set forth in the promotion process.

#### Sergeant

- A candidate must possess a combination of full-time experience and a degree from an accredited College or University if the candidate has less than 15 years of full-time experience. The College or University must be accredited by the U.S. Department of Education or the Council of Higher Education Accreditation (CHEA). The following are the minimum combination requirements to be eligible for the promotion process:
  - a) An Associate Degree with not less than 8 years full-time experience with any police department, or;
  - b) Not less than 15 years full-time experience with any department.
- Have not received sustained department disciplinary action stronger than a written reprimand within the year prior to the start of the promotional process.
- Have received an overall assessment of exceptional or satisfactory or a similar suited evaluated ranking during the last three years evaluations.

### Ranks Above Sergeant

The Chief of Police and the Township Administrator shall determine criteria for eligibility for positions above the rank of Sergeant. Such criteria shall be established based on the skills, knowledge and abilities necessary to perform the job functions as outlined in the job description for the position.

### Administering Written Tests

Written tests may be essay, multiple choices, true or false, fill-in the blank or any combination of those listed. The written examination may be obtained from a private testing service. Unless otherwise specified by the Chief of Police and announced in the position announcement, the passing score of any written promotional examination shall be eighty percent. Total score value twenty percent (20 %) of FAS.

Study material will be provided, or a list of material from which examination questions are derived will be provided. These materials shall be made available to potential candidates at the time the position vacancy is posted.

### Physical Assessment

The physical assessment shall be the same test administered for entry-level police applicants, adjusted for applicant age and gender. {MTPD 31.4} This phase is scored as a pass/fail.

### Previous Evaluations & Seniority Review

The final evaluation for the past 3 years will be used for scoring.

#### Previous evaluations will be scored as follows:

Exceptional/Superior ratings	4 points per year
Satisfactory/Acceptable ratings	2 points per year
Unsatisfactory/Not Acceptable ratings	0 point per year

Seniority is defined as total years of experience as a full-time police officer with Miami Township Police Department.

#### Seniority will be scored as follows:

18 months to ten years of service	1 point
Eleven to twenty years of service	2 points
Twenty-one to twenty-five years of service	3 points

Total score value fifteen (15%) of FAS.

### Oral Interviews

Oral Review Board - Oral interviews shall be conducted utilizing a series of standardized questions asked of each candidate interviewed. The questions shall be scored using a rating scale to assess a defined set of personal behaviors. The oral interview may include means to assess an applicant's ability to organize and conduct a presentation on a work-related topic to a group of people. Each candidate's interview results shall be recorded on a rating form and results maintained for the duration of the eligibility list. Total score value sixty (60%) of FAS.

Interview with the Chief of Police and/or Designee – The Chief of Police shall set the criteria and questions for this interview. This interview is not scored.

### Educational Credits

Master's Degree or above	5 points
Bachelor's Degree	3 points
Associate Degree	1 point
*Employee's highest degree earned	

Total score value five (5%) of FAS

### Promotional Assessment

At the discretion of the Chief of Police, up to the top three candidates will participate in a promotional assessment exercise.

### Review and Appeal Process

Candidates are permitted to review and appeal adverse decisions concerning their eligibility for appointment to promotional vacancies.

Procedures for the review and appeal of adverse decisions are as follows:

- Written Examinations – All candidates are permitted to review the questions and answer key to the written examinations after all tests have been completed and scored. Questions concerning the answer, or the validity of any question utilized on a written examination shall be submitted in written form and directed to the Chief of Police. Questions submitted by an examination participant shall include their reasoning for questioning the answer for or validity of an examination question.
- Oral Review Board – All candidates are permitted to review the questions and rating scales to the oral review boards after all interviews have been completed and scored. Questions concerning the answer, or the validity of any question utilized on an oral board examination shall be submitted in written form and directed to the Chief of Police. Questions submitted by an examination

participant shall include their reasoning for questioning the answer for or validity of an examination question.

- All Other Examination Procedures – Any candidate who has a question concerning the answer to or the validity of any question, or the validity of a section of any procedure used in the testing process may submit in written form such question and direct it to the Chief of Police. Questions submitted by an examination participant shall include their reasoning for questioning the answer for or validity of an examination question or procedure. The Chief of Police shall respond in writing to any question submitted concerning the correctness or validity of an examination question or procedure. The decision of the Chief of Police shall constitute the final decision to such questions and may not be appealed to any other person or body.
- All candidates are permitted to review the written results of scored elements of the selection process. Examination and review must take place within five calendar days after notification of results of the examination being questioned. The review shall be during regular office hours under the supervision of the Chief of Police.

#### *Reapplication, Retesting or Reevaluation on Sustained Appeals*

If a candidate is successful in his/her appeal of a portion of the promotional process, the following general guideline for remedy will be applied:

- If the appeal is sustained on an error on a score which may be corrected, (i.e. an error on a mathematical calculation) the scores of all persons tested will be examined for accuracy, scores corrected as needed, recalculations made and lists corrected, if needed.
- If the appeal is sustained on an uncorrectable error that only affects a small portion of one particular test, (such as one or two questions on a written test), that portion affected by the appeal will be eliminated, all scores recalculated and promotion lists corrected, if needed.
- If the appeal is sustained on an uncorrectable error that affects a major portion of a test, the Chief of Police will decide one of the following:
  - The Chief (or the testing administrator) is of the opinion that the overall test battery is still valid without the appealed test, the single promotional test will be eliminated, all scored recalculated and promotion lists corrected, if necessary.
  - If the Chief (or the testing administrator) is of the opinion that the overall test procedure is no longer valid without the appealed test, all test scores will be eliminated, and entire testing procedure will be rescheduled and re-administered.

### *Promotional Eligibility for Vacancies Where Lateral Entry is Permitted*

Lateral entry is permitted for ranks above Sergeant. The Chief of Police and the Township Administrator shall determine criteria for eligibility for positions above the rank of Sergeant. Such criteria shall be established based on the skills, knowledge and abilities necessary to perform the job functions as outlined in the job description for the position.

### *Security of Promotional Materials*

All promotional materials used in the promotion process and records of the process shall be maintained and secured by the Chief of Police during the selection process.

At the conclusion of the promotion process, all promotional materials and records of the process shall be maintained and secured by the Accreditation Manager.

### **34.1.3 Job Relatedness**

All elements used to evaluate candidates for promotion are job-related, fair and non-discriminatory.

All elements used are based upon the skills, knowledge and abilities identified as performance standards in the position job description and the candidate's knowledge of department directives, rules, policy and procedure, bargaining agreements and professional law enforcement topics and practices.

### **34.1.4 Promotional Announcement**

Whenever a vacancy exists in a supervisory position and the department has declared that the position is to be filled, a written announcement shall be posted on the department bulletin board in the squad room of the police building for no less than ten calendar days prior to the last day in which a person may declare their candidacy for such position.

The announcement shall be posted no less than thirty days prior to the first testing date for the position vacancy.

The announcement shall include all the following:

- Minimum Qualifications;
- Process for Selection;
- Application Procedures.

Miami Township Directive 34.1 shall be attached to the announcement to provide a detailed description of the promotional process, elements utilized and criteria and procedures for the development and use of eligibility lists.

### **34.1.5 Eligibility Lists**

The testing format for developing an eligibility list for promotional purposes shall be as follows:

- A Written Test;
- A Physical Assessment;
- An Oral Review Board;
- Previous Evaluations & Seniority Review & Highest degree earned;
- An Interview with the Chief of Police and/or designee.

The following percentiles will be assigned to the scored phases of the testing procedure to determine the final average score (FAS) of a candidate:

- A Written Test – Total score value twenty percent (20 %) of FAS.
- A Physical Assessment – This phase is scored as a pass/fail.
- An Oral Review Board – Total score value sixty percent (60%) of FAS.
- Previous Evaluations – Total score value fifteen (15%) of FAS.
- Educational Credits – Total score value five (5%) of FAS.
- Promotional Assessment - Ranked
- An Interview with the Chief of Police and/or designee – Not scored.

Members competing for promotion shall be ranked successively, starting with the highest score, according to the final average score computed from the numerically scored sections of the promotional test procedure.

The promotional eligibility list shall remain in effect as determined by the Chief of Police.

The Chief of Police may recommend for promotion any applicant in the ranking of 1 through 5 for each position vacancy. For multiple vacancies, additional candidate may be considered for promotion.

- For One Vacancy – Ranks 1 through 3 Are Eligible
- For Two Vacancies – Ranks 1 through 6 Are Eligible
- For Three Vacancies – Ranks 1 through 7 Are Eligible, etc.

### **34.1.6 Promotional Probation**

For the position of Sergeant and above, the probationary period shall be for 12 months from the date of appointment. During this probationary period if the employee is absent from work more than ten (10) workdays during their probation their probationary period shall be extended by the amount of days they are absent.

# DIRECTIVE 35.1 PERFORMANCE EVALUATION

<b>Issue Date: 05/07/2020</b>	<b>By Order of Chief of Police</b>
<b>Rescinds: Issue 06/07/2019</b>	<b>CALEA Standards Referenced: 35.1.1; 35.1.2; 35.1.3; 35.1.4; 35.1.5; 35.1.6; 35.1.7; 35.1.8 &amp; 35.1.9</b>
<b>Pages: 8</b>	

**This directive consists of the following sections:**

- 35.1.1 Performance Evaluation System**
- 35.1.2 Annual Evaluation**
- 35.1.3 Quarterly Evaluation of New Hire Employees**
- 35.1.4 Evaluation Criteria**
- 35.1.5 Evaluation Components**
- 35.1.6 Unsatisfactory Performance**
- 35.1.7 Employee Counseling**
- 35.1.8 Rater Evaluation**
- 35.1.9 Personnel Early Intervention System**

## **POLICY & PROCEDURE:**

Performance evaluations serve to provide an objective and fair means of recognition and measurement of individual performance in accordance with prescribed guidelines, facilitate proper decisions regarding employees in a probationary status, provide a medium for personnel counseling and interactive discussions of the employee's professional development, identify employee strengths and weaknesses and allow for the identification of individual training requirements for developing and improving an employee's performance. Performance evaluations identify general department training needs to assist the department in determining if proper training and direction are being given toward the attainment of department goals and objectives. Performance evaluations provide information for fair and impartial personnel decisions concerning employee advancement/assignment, career development, promotion, as well as the employee effectiveness in their assigned positions and ability to assume more responsibility.

Miami Township utilizes a standard format to assess the conduct and work performance of employees. Miami Township records information which both the employee and supervisor may utilize to give the employee direction in their current work assignment and provide guidelines for the professional development of the employee.

### 35.1.1 Performance Evaluation System

#### Measurement Definitions

Criteria used to define the quality of work shall be descriptive, measurable, and should allow a characterization regarding how the work is performed. Measurement definitions for evaluation of employees are included on the Standardized Evaluation Guidelines.

#### Procedures for Use of Forms

Performance Evaluations are performed on the Performance Assessment form specific to the employees' position: Supervisor Performance Assessment; Road Patrol Performance Assessment; Specialized Employee Performance Assessment or Non-Sworn Employee Performance Assessment form.

The performance evaluation review addresses:

- Appearance
- Attitude
- Knowledge
- Performance – General
- Relationships
- Performance – Specific to Position.

Newly hired sworn personnel in field training are evaluated in accordance with Directive 33.4.

#### Rater Responsibilities

At the end of each rating period, every employee will be rated by his or her immediate supervisor. This responsibility shall not be delegated. Should an employee have had more than one supervisor during the evaluation period, the current supervisor shall prepare the employee's assessment report after consulting with the other supervisor that the employee had during the rating period.

Raters should be objective and avoid factors that subvert evaluations:

- Halo Effect – Tending to evaluate employee as superior or not acceptable based on an experience or knowledge involving only one dimension.
- Leniency Tendency – To evaluate all persons as superior rather than true assessment of performance.
- Stricter Tendency – To rate all persons not acceptable; being overly demanding or critical.
- Average Tendency – To evaluate every person as acceptable regardless of differences in performance.

Raters must be prepared to cite significant examples of superior or not acceptable performance. Examples should be objective, time and date specific and detailed in nature rather than subjective and vague.

Raters should:

- Select an appropriate location.
- Plan to avoid interruptions.
- Allow ample time.
- Conduct review in a positive manner.
- Listen carefully and encourage communication.
- Respond positively to objections, problems and disagreements.
- Concentrate on facts, be honest.
- Emphasis should be on positive reinforcement.
- Coach and develop positive plans of action to correct problems.
- Emphasize development to assist the employee in developing their full potential.
- Assist employee in developing a goal-oriented plan to prepare for greater responsibility.
- Establish and adhere to follow up plans to ensure the employees growth.

### Rater Training

Upon promotion to a supervisory rank, an officer shall be required to review this policy. The employee must then demonstrate to their immediate supervisor that they have a working knowledge of this directive and can adequately perform the required functions as set forth within this directive. Performance evaluation refresher training to supervisors may be conducted as needed and determined by the Chief of Police.

### 35.1.2 Annual Evaluation

All personnel, with the exception of the Chief of Police, shall be evaluated no less than annually for the purpose of standardizing the nature of the personnel decision making process, ensuring the public that the agency's personnel are qualified to carry out their assigned duties and to provide employees with necessary information for behavior modification to eliminate inappropriate behaviors.

### 35.1.3 Evaluation of Probationary Employees

After completion of Phase III of the field training program, sworn entry-level probationary personnel shall be evaluated quarterly by the employee's immediate supervisor using the Miami Township Police Department Field Training/Probationary Evaluation Report.

All probationary civilian personnel shall be evaluated quarterly using the Non-Sworn Performance Assessment form by the employee's immediate supervisor.

If a probationary employee's probationary period is extended, the employee will receive monthly evaluations by their immediate supervisor until their release from probation.

Promoted personnel shall be evaluated on a quarterly basis by their immediate supervisor using the Supervisor-Performance Assessment forms.

#### **35.1.4 Evaluation Criteria**

Employees shall be rated for performance in the position held during the rating period.

Tasks of the position, as outlined in the job description of the position, shall form the basis for the description of what work is to be performed.

Criteria used to define the quality of work shall be descriptive, measurable and should allow a characterization regarding how the work is performed.

#### **35.1.5 Personnel Evaluation System**

##### *Evaluation Period*

All employees will receive a Performance Evaluation that addresses the employee's general performance since their last review. Performance evaluations shall be completed annually for the period of July 1 through June 30. Performance Evaluations are to be completed and submitted by the rating supervisor to their supervisor by a pre-determined date of the Chief of Police or designee. The review shall be conducted on the appropriate Performance Assessment form utilizing the Standardized Evaluation Guidelines.

##### *Explanatory Comments*

Employee ratings that are representative of superior or not acceptable require the rater to substantiate such ratings with supportive comments on an attached page.

##### *Responsibility of Raters Supervisor*

Upon the completion of the performance evaluation, the rating supervisor shall submit the performance assessment form to their supervisor for review and signature. The rater's immediate supervisor will be responsible for evaluating the quality of the ratings given by the rater and ensuring that ratings are fair, impartial and uniform.

##### *Employee Signature and Comment*

Each employee will be given an opportunity to read and thoroughly understand their evaluation.

Each employee will be allowed reasonable time to make written comments to supplement their completed performance evaluation review. Should the employee feel the need to

provide an extensive written reply to their performance evaluation review, the employee may submit a written statement to their immediate supervisor within four calendar days following their performance evaluation review. This reply shall be reviewed by the immediate supervisor and attached to the employee's performance evaluation.

Each employee shall sign their performance evaluation indicating that the employee has reviewed and understands the report. The employee's signature does not imply that the employee either agrees or disagrees with the report.

Should the employee refuse to sign their performance evaluation review, the supervisor shall indicate such and document on the performance evaluation the reason given by the employee for not signing the report.

#### Employee Copy

Each employee shall be offered/provided a copy of his or her completed performance evaluation at the conclusion of the evaluation meeting.

#### Appeal Process

Should an employee desire to contest their performance evaluation, they may forward a written request through the chain of command to their rating supervisor's immediate supervisor. Such request shall include the reasons for such request. The rating supervisor's immediate supervisor shall review the performance evaluation of the employee filing such request. The reviewing supervisor may then include the employee and/or the rater in an interview to resolve the issues.

#### Evaluation Retention

All performance evaluations shall be retained in the employees training file and/or personnel file.

Performance evaluations will be retained and disposed of in accordance with the schedule of Records Retention and Disposition.

#### 35.1.6 Unsatisfactory Performance

If a non-probationary employees' performance is deemed to be not acceptable or deficient, the employee shall be notified of such determination in writing.

The notice should include examples for the not acceptable or deficient performance and suggest measures that should be taken to improve the employee's performance. If the not acceptable or deficient performance continues, this information should be included in the performance assessment. Timely written notification of not acceptable performance is not immediately required if notification could compromise an on-going investigation.

Appropriate forms of notification include memorandum, documented counseling sessions and administered discipline.

### **35.1.7 Employee Consultation**

Each employee will be counseled at the conclusion of each rating period. The counseling session will review:

- The results of the performance evaluation report.
- The level of performance that is expected and the rating criteria or goals for the new rating period.
- Career counseling relative to such topics as advancement, specialization or training that is appropriate for the employee's position.

### **35.1.8 Rater Evaluation**

Raters will be evaluated on but not limited to:

- The fairness and impartiality of ratings given.
- Their participation in counseling of evaluated employees.
- Ability to carry out the rater's role in the evaluation system.

Supervisors should ensure that the raters apply rating uniformly. The Supervisor's signature on the evaluation shall document their evaluation.

### **35.1.9 Personnel Early Warning System**

#### **Provisions to Initiate Review**

The Miami Township Police Department Personnel Early Warning System (PEWS) is designed to provide supervisory personnel with objective guidelines and specific criteria for identifying employees who may benefit from agency intervention efforts. This system provides specific and consistent procedures for tracking, evaluating and responding to employee needs. Intervention will be appropriate in circumstances that indicate a potential for negative consequences to the Department member, his/her co-workers, the Department and/or the community. All entries will be maintained in Guardian Tracking ®. Guardian Tracking ®, a web-based employee documentation medium allows supervisors to make positive or negative entries for all employees. All entries are sent to the Chief of Police, employee involved and the employees' supervisor.

#### **Reporting Requirements**

Data collection efforts for each event will focus on the following agency reporting requirements of conduct and behavior:

- Complaints as Described in Directive 26.3

- Use of Force Incidents
- Vehicle Pursuits
- Counseling or Discipline
- Performance Evaluations – Unacceptable
- Event that Requires Three or More Days Off Work
- Reported Domestic Issues
- PEAP Referral or Mandated PEAP Attendance

All incidents will be documented within Guardian Tracking ®.

### Supervisory Roles

First and second level supervisors will familiarize themselves with their subordinates and routinely observe their demeanor, appearance and conduct. Supervisors will remain alert for indications of behavioral changes or stressors that may affect a Department members' performance.

When supervisors perceive or determine that a Department member had problems or is causing problems, they will assess the situation and take appropriate action in accordance with the directives, policies and procedures of the Department, including referral to EAP (Directive 22.1), training, counseling and other remedial action (Directive 26.1) and Internal Investigations (Directive 26.3).

Documentation of action taken by supervisors as set forth in the preceding paragraph will be provided to the Chief of Police. Serious situations may require immediate notification (Directive 41.2.4).

The Patrol Division Supervisor shall maintain the PEWS database system, Guardian Tracking ®, to collect, review and analyze quantitative and qualitative data related to the early warning indicators listed in *Provisions to Initiate Review*. In the event the PEWS database system identifies an employee who has a combined total of three or more events during the previous six months or any combinations of five or more occurrences as outlined in the Identification phase within the previous twelve months. Once the database is triggered by the criteria, a notification flag is sent to the Patrol Division Supervisor and the employees' immediate supervisor. The PEWS review process shall commence. An initial notice will be forwarded to the employee's immediate supervisor with a request to perform a review of the early warning indicators and to make their recommendations in writing and submit them to the Patrol Division Supervisor.

Upon receipt of the initial notice, the employees' immediate supervisor will meet with the employee within one week of the employees scheduled work week to review information contained in the notice as well as recent employee performance information.

Based on information provided in this initial meeting, the employee's immediate supervisor is required to take of the following two actions.

- Determine if further intervention is necessary. If there is any doubt on the part of the immediate supervisor, he/she must automatically submit a memorandum to the Patrol Division Supervisor indicating that formal follow-up is required.
- Explain in writing to the Patrol Division Supervisor the outcome of the meeting with the employee and why the process should not proceed.

#### Remedial Action/Employee Assistance

If it is determined that formal follow-up is needed, the Patrol Division Supervisor will conduct timely PEWS meetings with identified employees, supervisors and the Chief of Police. This shall be done within one week, using the following procedures.

- Employees will be informed that they have been identified for follow-up in the PEWS database system.
- Actions shall be instituted for the purpose of correcting the pattern of conduct/behavior and/or assisting the employee in improving his/her behavior. Options or course of actions include, but are not limited to:
  - No Additional Action;
  - Supervisory Counseling;
  - Professional Counseling and/or Referral to the Employee Assistance Program;
  - Monitoring for Twelve Months with Monthly Reviews and Reports;
  - Mandatory Remedial Training Designed to Improve Skills;
  - Corrective Actions Reviewed and Approved by the Chief of Police.

#### Annual Evaluation of System

The Patrol Division Supervisor shall conduct an annual documented evaluation of the system and submit a written report to the Chief of Police. The evaluation will include a review of this policy and recommendations on policy modifications needed, if any.

# DIRECTIVE 40.1 CRIME ANALYSIS

<b>Issue Date: 03/31/2020</b>	<b>By Order of Chief of Police</b>
<b>Rescinds: (Issue 05/17/2016)</b>	<b>CALEA Standards Referenced: 40.1.1</b>
<b>Pages: 2</b>	

**This directive consists of the following sections:**

## **[40.1.1 Crime Analysis Procedures](#)**

### **POLICY & PROCEDURE**

Crime analysis will be used to enhance management decisions relative to resource allocation and to prioritize objectives for the department. Information developed through the crime analysis process can be used by this department in its long-range planning efforts by providing estimates of future crime trends and assisting in the identification of enforcement priorities. The data may also assist in the planning for strategic and tactical response efforts. Crime analysis reporting will be the responsibility of the Investigations Supervisor, who shall be responsible for the collection, collation, analysis and dissemination of crime data received by the Department. The Investigations Supervisor shall be responsible for the dissemination of pertinent information to any persons or units of the department to which the information is required or needed.

## **[40.1.1 Crime Analysis Procedures](#)**

### **[Source Documentation & Evaluation of Data](#)**

The collection of crime analysis data will be from the following sources:

- Offense reports;
- Investigative reports;
- Arrest reports;
- Field Interrogation reports;
- Daily Activity reports;
- Monthly Statistical reports;
- Intelligence reports from within and outside of the agency;
- Crime Prevention & Community Policing contacts;
- Electronic and/or Social Media;
- Electronic Bulletin Board.

The Investigations Supervisor or his designee will review and check for accuracy all information received from source documentation and prepare crime analysis reports as needed to address tactical crime control and prevention objectives of the agency. Analysis of the data shall include:

- Identification and comparison of incident characteristics with similar reported data;
- Identification of developing crime patterns or trends.

Factors that may be considered in crime analysis are:

- Frequency by type of crime;
- Geographical factors;
- Temporal factors;
- Victim/Target descriptors;
- Suspect/Vehicle descriptors;
- Modus Operandi factors;
- Physical evidence information.

#### *Dissemination of Analysis*

Crime analysis reports will be disseminated to department personnel on an as needed basis.

Information that is relevant to the operational and tactical plans of any division will be immediately distributed to all personnel within that division.

Information that is relevant to the development of the department's strategic plans will be provided to the appropriate personnel.

Information developed through crime analysis may be released to law enforcement agencies outside this department upon the approval of the Chief of Police or designee.

Crime analysis information may be released to media representatives as approved by the Chief of Police or designee within established public information policies.

#### *Briefing Chief of Police*

The Investigations Supervisor will brief the Chief of Police through staff meetings, oral summaries or written documentation when a report of crime patterns or trends are identified and an analysis is being conducted.

## DIRECTIVE 40.2 INTELLIGENCE ANALYSIS

<b>Issue Date: 03/31/2020</b>	<b>By Order of Chief of Police</b>
<b>Pages: 6</b>	<b>CALEA Standards Referenced: 40.2.1; 40.2.2; 40.2.3</b>

**This directive consists of the following sections:**

**[40.2.1 Criminal Intelligence Data Collection](#)**

**[40.2.2 Intelligence Analysis Procedures](#)**

**[40.2.3 Criminal Intelligence Procedures](#)**

### **POLICY AND PROCEDURE:**

#### **[40.2.1 Criminal Intelligence Data Collection](#)**

Information gathering is a fundamental and essential element in the all-encompassing duties of any law enforcement agency. When acquired, information is used to prevent crime, pursue and apprehend offenders and obtain evidence necessary for conviction. It is the policy of the Miami Township Police Department to gather information directed toward specific individuals or organizations reasonably suspected of criminal activity, to gather it with due respect for the rights of those involved and to disseminate it only to authorized individuals as defined. While criminal intelligence may be assigned to specific personnel within the agency, all members of this agency are responsible for reporting information that may help identify criminal conspirators and perpetrators.

#### **[40.2.2 Intelligence Analysis Procedures](#)**

All personnel are encouraged to forward pertinent information which may be beneficial to the department effort, to the Investigations Supervisor. Information developed through intelligence will be provided to patrol and investigative personnel in order to increase the effectiveness of the enforcement and deterrent efforts. This information may be in the form of intelligence memos, bulletins and email.

#### **[Identifying Sources](#)**

Officers who obtain intelligence information shall complete an intelligence report. This report shall contain:

- Source of Information;
- Date of Report;

- Source Identification;
- Evaluation of Source;
- Source Information Acquired By;
- Details of Report;
- Reporting Officers Name.

The Investigations Supervisor is responsible for ensuring the validity of information collected. Information content shall be:

- Verified;
- Not Verified;
- Partially Verified.

The Investigations Supervisor shall make a recommendation for follow up:

- Evaluate and File Information;
- Investigator to Follow Up;
- Additional Information from Source Needed.

### *Disseminating Analysis*

The intelligence function is often confronted with the need to balance information gathering requirements for law enforcement with the rights of individuals. To this end, Miami Township Police Department shall adhere to the following:

- Information gathering for intelligence purposes shall be premised on circumstances that provide a reasonable indication that a crime has been committed or is being planned.
- Investigative techniques employed shall be lawful and only so intrusive as to gather enough information to prevent the criminal act and/or to identify and prosecute violators.
- The intelligence function shall make every effort to ensure that information added to the criminal intelligence base is relevant to a current or ongoing investigation and the product of dependable and trustworthy sources of information. A record shall be kept of the source of all information received and maintained by the intelligence function.
- Information gathered and maintained by this agency for intelligence purposes may be disseminated only to appropriate persons for legitimate law enforcement purposes in accordance with law and procedures established by this agency. A record shall be kept regarding the dissemination of all such information to persons within this or another law enforcement agency.
- No department personnel or function will investigate or maintain files, including personal files, on any person, group or organization based solely on the following activities or conditions:
  - Race;
  - Sex;
  - Creed;

- Ethnicity;
- National Origin;
- Religious Practices or Affiliations;
- Political Activity.

### **40.2.3 Criminal Intelligence Procedures**

#### *Purpose and Responsibility*

Primary responsibility for the direction of intelligence operations; coordination of personnel; and collection, evaluation, collation, analysis and dissemination of intelligence information is assigned by the Chief of Police to the Investigation Supervisor and includes:

- Maintaining control of intelligence personnel, files, equipment and techniques in such a manner as to comply with all Federal and State laws and Directives, Policies and Procedures of this department.
- Collecting intelligence in accordance with priorities determined on a department wide basis. Ensuring that the information gathered is limited to criminal conduct and potential threats to the community.
- Serving as the principal channel for receipt and dissemination of law enforcement intelligence within the department.
- Providing timely analytical support to department operations including but not limited to analysis of the aims and methods of organizations, which are prone to public violence.
- When requested by enforcement groups, making personal contact with citizens or organizations for use of their residences or businesses for surveillance on criminal target locations.

The type of information that may be included in the intelligence system includes:

- Criminal Intelligence Data – Information compiled, analyzed and/or disseminated to anticipate, prevent or monitor criminal activity. Information from various sources that by itself may not infer criminal activity but when combined with other information make an inference of criminal activity.
- Strategic Intelligence – Information concerning existing patterns or emerging trends of criminal activity designed to assist in criminal apprehension and crime control strategies, for both short and long-term investigative goals.
- Tactical Intelligence – Information regarding a specific criminal event that can be used immediately by operational units to further a criminal investigation, plan tactical operations and provide for officer safety.

It is the mission of the intelligence function to gather information from all sources in a manner consistent with the law in support of efforts to provide tactical or strategic information on the existence, identities, and capabilities of criminal suspects and enterprises generally and, in particular, to further crime prevention and enforcement objectives/priorities identified by this agency.

Information that implicates, suggests implication or complicity of any public official in criminal activity or corruption shall be immediately reported to the Chief of Police and other appropriate agencies as directed by the Chief of Police.

Information gathering in support of the intelligence function is the responsibility of each member of this agency, although specific assignment may be made as deemed necessary by the Investigations Supervisor.

All sworn personnel shall receive training on the Miami Township Criminal Intelligence function through receipt of this directive during the field training program. All sworn personnel shall sign for receipt of this directive any time it is revised/reissued. Personnel with LEADS certification shall have access and training on obtaining/use of criminal history checks, obtaining records, warrant and vehicle checks and instruction on obtaining information and assistance from other agencies, Local, State and Federal.

#### *Safeguarding, Securing and Storing of Information*

All intelligence files shall be maintained in a secure location under the direct control of the Investigations Supervisor. The files will be maintained in a secure locked file located in the Investigations Supervisors office, separate from departmental arrest and offense reports. The intelligence files will be kept locked unless the Investigations Supervisor is present. Matters of public record that are of intelligence value will be kept separate from the intelligence files compiled by members of the department.

#### *Dissemination of Information*

Upon receipt and evaluation of an Intelligence Report, information content and verification and recommendation for follow up, the Investigations Supervisor shall assign the investigation and disseminate information received to the assigned Investigator and/or agency assigned and any other person with a need to know.

Dissemination of intelligence information outside of the agency must meet these guidelines:

- Be needed in an active criminal investigation by the requesting law enforcement person or agency.
- Be reviewed to determine if a 'Need to Know' and 'Right to Know' basis has been established.
- Be reviewed by the Investigations Supervisor prior to release.
- Be approved for release by the Investigations Supervisor and/or the Chief of Police if requested information is classified.

Need to Know is defined as:

- Any law enforcement agency in the lawful pursuit of a criminal investigation.
- Any law enforcement agency preparing an assessment of criminal activity where this information is required.

- Any law enforcement agency developing an analytical product pertaining to strategic or tactical analysis.

Right to Know is defined as:

- Any law enforcement agency in the lawful pursuit of a criminal investigation.

Any breach of security pertaining to intelligence files in any manner by any department employee will be considered gross misconduct and may result in termination of the employee.

Information requested by telephone or in person will be provided only to the requesting party and then only upon verification of the person and agency which is requesting such information. The investigating officer will make proper entry in the file of information disseminated. All requests and responses to members of the intelligence community will be subject to approval by the Investigations Supervisor.

Miami Township has access to outside sources of intelligence information; OHLEG and SWOPINTEL. Should intelligence information be received through these sources, the person receiving the intelligence shall distribute the information as needed.

Ohio Law Enforcement Gateway (OHLEG) allows law enforcement officers to search incident reports and field notes kept by other agencies throughout the state of Ohio. OHLEG allows access to the following data bases:

- Computerized Criminal History Files;
- Electronic Sexual Offender Registration and Notification Database;
- Department of Rehabilitation and Correction Records;
- Bureau of Motor Vehicles Database;
- Ohio Local Law Enforcement Information Sharing Network Database.

All Miami Township sworn personnel have access to OHLEG.

Southwestern Ohio Police Intelligence Network (SWOPINTEL) is an email subscription service. SWOPINTEL is 24/7/365 as information becomes available. Miami Township subscribes and receives information on these active investigations.

### [Purging of Information](#)

The intelligence files will be purged as follows:

- Permanent Files – Files that name a person by name, address, date of birth, or name a specific organization where identification can be made. These files are kept for 5 years after the date of the last entry.
- Temporary Files – Files where a person or organization can only be described but not specifically named. These files are to be purged at the end of one year if during that time a positive identification cannot be made of the person or organization. If a positive

identification is made within one year, then the file is reclassified as a permanent file and is kept pursuant to that file type.

- Working Files – These files occur when information is forwarded to the Investigation Supervisor about a person or organization, but the intelligence officer has not yet verified the accuracy of the file. These are kept for 20 days. At the end of that period, they must be destroyed if the assigned investigator has not made the attempt to verify the information. If the information is verified, then the working file is to be reclassified as permanent or temporary. At least once each month all working files shall be reviewed and an Intelligence Operations Working Files report shall be submitted by the Investigations Supervisor to the Chief of Police.

All purged intelligence files will be destroyed by shredding under the direct personal supervision of the Investigations Supervisor. Destruction records will be maintained by the Investigations Supervisor listing all files destroyed. The destruction records will then become permanent records maintained by the Investigations Supervisor.

In January of each year, an Intelligence Purged File report shall be submitted by the Investigations Supervisor to the Chief of Police.

#### Annual Review

In January of each year, the Investigations Supervisor shall review the procedures and processes of the intelligence function. Upon review and if the Investigations Supervisor determines a change in procedures or processes is needed, he/she shall include any recommendations for change in the Intelligence Files, Purged Files report. The annual review shall also include a documented review of this Directive.

# DIRECTIVE 41.1 PATROL ADMINISTRATION

<b>Issue Date: 03/25/2020</b>	<b>By Order of Chief of Police</b>
<b>Rescinds: (Issue 08/07/2019)</b>	<b>CALEA Standards</b>
<b>Pages: 10</b>	<b>Referenced: 41.1.1; 41.1.2; 41.1.3; 41.1.4 &amp; 41.1.5</b>

**This directive consists of the following sections:**

- 41.1.1 Shift/Beat Assignment**
- 41.1.2 Shift Briefing**
- 41.1.3 Special Purpose Vehicles**
- 41.1.4 Agency Service Animals - N/A by Function**
- 41.1.5 Police Service Canines - N/A by Function**

## **POLICY AND PROCEDURE:**

The Patrol Division is the most visible component of the Department within the community. The Patrol Division is responsible for most services that the community receives daily and as such is considered the backbone of the Department. The community judges the professionalism, respect, integrity, dedication and excellence of the police department by what they observe daily with the Patrol Division.

It is the policy of the Miami Township Police Department to provide a clear definition of the patrol function to enable officers to know what actions are in concert with department policy to facilitate the delivery of services to the community. The primary functions of the Patrol Division are:

- Preventive patrol oriented toward prevention of crimes and traffic crashes, maintenance of public order and the discovery of hazards and delinquency causing situations.
- Crime prevention activities.
- Response to requests for services from members of the community.
- Investigation of crimes, offense, incidents and conditions, including the arrest of offenders.
- Traffic direction and control.
- Maintenance of public order.
- Provision of emergency services.
- Development of relationships between citizens and the Miami Township Police Department.

Patrol Division Activity Notification – The shift activity report will be completed by patrol officers for each shift they work. The report will account for the work completed during the shift by including dispatched calls for service and self-initiated activity.

An informational pass-on email will be sent to all police employees by the Sergeant or Corporal prior to the end of each shift with a summary of shift activity. The report will primarily focus on incidents involving felony offenses, arrests or events that would cause heightened interest or have the potential for public inquiry.

#### **41.1.1 Shift/Beat Assignment**

##### *Continuous Patrol Coverage*

The Miami Township Police Department shall provide twenty-four hours a day, seven days a week, patrol coverage within the service area of Miami Township providing at a minimum, immediate response to emergency situations. It is the responsibility of the Patrol Division Supervisor to ensure the adequacy of available patrol personnel to provide patrol coverage for Miami Township.

- There shall be no less than four road patrol personnel on duty between the hours of 0700-0300 hours.
- There shall be no less than three road patrol personnel on duty between the hours of 0300-0700 hours.
- Sergeants and Corporals may be included in that count of personnel. Should the Sergeant/Corporal determine additional personnel are needed, he/she shall contact the Patrol Division Supervisor or his/her designee. If the Patrol Division Supervisor is unavailable, he/she shall contact the Chief of Police.

Should such situation arise that insufficient personnel are on duty and available to provide the minimum level of required service, the on-duty supervisor shall take such action necessary to provide the Miami Township Police Department's service area with the minimum level of service. Should such a situation arise in which it appears to the on-duty supervisor that such limited service will be provided by an outside agency/s for any significant length of time, the on-duty supervisor will make notification to the Patrol Division Supervisor who shall act as deemed necessary.

In order to provide continuous coverage and provide at a minimum, immediate response to emergency situations, officers shall report to work as scheduled. The hours of each shift will be indicated on the schedule. The patrol shift being relieved shall not report to the station any earlier than thirty minutes prior to their end of tour of duty unless authorized by their shift supervisor.

##### *Assignment to Patrol Shifts & Frequency of Rotation*

Assignments to shifts and shift rotations shall be in accordance with the Collective Bargaining Agreements, Article 14, Sections 14.7 & 14.8.

Personnel shall be assigned to designated shifts based upon the workload demands of the department and the number of personnel available. The number of patrol shifts and personnel assigned to such shifts shall be at the discretion of the Chief of Police, determined by analysis of operational activities of the department. The Chief of Police or Patrol Division Supervisor may as necessary adjust those shift assignments based on the operational needs of the department.

#### *Assignment to Service Areas & Rotation*

Personnel will be assigned to patrol districts in January, May and September of each year for the purpose of furthering Community Policing goals. However, assignments may be changed at the discretion of the shift supervisor in accordance with the mission and operational needs of the department.

#### *Determination of Days Off*

Valid work schedules are posted in accordance with Article 14, Section 14.6 of the Collective Bargaining Agreements. A yearly schedule used for illustrative purposes only, shall be prepared and posted on the police shared drive by the fifteenth day of January of each year. This yearly schedule shall be used to assist department personnel in scheduling department and personal activities.

The employer at its discretion may approve shift trades or scheduled days off trades in accordance with the provisions of the Collective Bargaining Agreements, Article 14, Section 14.4.

#### **41.1.2 Shift Briefing**

Shift briefing will take place at the beginning of each regular patrol shift. Shift briefing will be conducted in a semi-formal manner; there will be no activity that distracts from the required or necessary activities of shift briefing.

Supervisors will utilize shift briefing for the purpose of:

- Prepare/complete the shift activity report.
- Pass on pertinent information and assignments.
- Conduct any assigned roll call training as required or necessary.
- Inspect officers' uniform and equipment.

Particular attention should be given to unusual situations, potential and actual police hazards, changes in the status of wanted/missing persons and stolen vehicles, updates on major investigations and information regarding relevant community-based initiatives.

Each on-duty officer beginning their shift will attend shift briefing, unless an emergency call or situation dictates otherwise. Officers attending shift briefing will:

- Be in full uniform and have in their possession all required equipment.
- Be prepared to leave the station to perform their duties.
- Check their email and mailboxes for messages, publications and correspondence.
- Check the bulletin board for notifications and messages.
- Check for warrants to be served in their assigned patrol district.

It is the responsibility of the on-duty supervisor to brief officers working irregular shifts on the information disseminated at the shift briefing, as well as performing other necessary or required roll call functions.

### 41.1.3 Special Purpose Vehicles

#### **Bicycles**

##### Authorization, Conditions and Limitations on Usage

The purpose of the bicycle patrol unit is:

- To provide mobility for officers in various areas of the jurisdiction, including bicycle trails and other areas inaccessible by normal means.
- To provide increased contact between officers and members of the community, particularly in residential and high activity areas.
- To provide patrol of businesses, parks and civic functions such as parades, charity walks and runs and special programs/events.
- Enforcement of criminal and traffic violators.
- Provide an additional tool to address problems through Community Policing.

The bicycle and bike unit equipment may be used by members of the agency who have received specific instruction, training and equipment to be used with the bicycle.

The officer utilizing the bike must insure it is in proper working order prior to using the bicycle for any assignment or shift.

The officer shall follow all traffic laws of the State of Ohio when operating the bicycle.

The officer may use the bicycle to its advantage of maneuverability, mobility and quick response capabilities in a safe manner.

The members of the unit shall assure that the bike is properly secured when in transport.

Sergeants are permitted to ride bicycles during their regularly scheduled work shift. The Sergeant shall remain responsible and accountable for the actions of his subordinates while on bike patrol.

The Chief of Police or his designee may at anytime suspend officers' bicycle activities and use of any bicycle patrol equipment or uniforms. Suspension from bicycle activities is not necessarily a disciplinary action but could result from administrative decisions.

#### *Qualifications & Training for Assigned Personnel*

Training should be from a certified International Police Mountain Bike Association (IPMBA) police cyclist instructor or an instructor approved by the Chief of Police. Successful completion of the IPMBA course, or a course approved by the Chief of Police, is required prior to patrol use of any department bicycle.

The training time, amount of training and the number of officers who will participate in the bicycle program will be at the discretion of the Bike Unit Coordinator with the concurrence of the Chief of Police. Officers may attend an annual refresher training program. The date, location and composition of the course are to be determined by the Patrol Division Supervisor.

#### *Position Responsible for the Condition & Maintenance of the Bicycle*

The Bike Unit Coordinator shall be selected by the Patrol Division Supervisor with the concurrence of the Chief of Police.

The bike unit coordinator will work cooperatively with the shift Sergeant or Corporal to integrate the certified bicycle operators and bicycle utilization into their respective shifts and will educate the shift Sergeants of the unique characteristics and opportunities provided to the shifts via the bicycle officer.

The bike unit coordinator is responsible for the condition and maintenance of department bicycles. The bike unit coordinator shall ensure that department owned bicycles utilized for bicycle patrol, are equipped and maintained.

As part of the budget development and input process, the bike unit coordinator will at least annually evaluate bicycle equipment and supplies to ensure adequate materials are readily available or that any noted deficiencies are rectified, including uniforms and equipment utilized by individual bicycle officers to perform their assigned duties.

The bike unit coordinator shall schedule all directed patrols or overtime authorized by the Patrol Division Supervisor.

The bike unit coordinator shall complete and forward to the Patrol Division Supervisor and Chief of Police any requested reports concerning bike unit activities.

#### *Bicycle Equipment*

Bicycle officers may utilize only the equipment which has been approved by the Chief of Police or his/her designee. Approved bicycle equipment includes:

- White Headlight with Hi & Low Beam
- Red Taillight
- Horn
- Tire Pump
- Two Water Bottle Cages
- Blue or Red and Blue Flashing Light Mounted on the Front
- Rear Pack Rack

The type of equipment may vary depending on the duty assignment. Officer safety will be a prime consideration in the selection of equipment.

Bicycles will be equipped with items or devices as required by the Ohio Revised Code to be operated on a public roadway either during day or night.

Bicycle officers will use equipment assigned to them, unless otherwise approved by the bike coordinator.

Bicycle equipment shall be returned to its proper place at the end of the officers' tour of duty, unless approved by the bike unit coordinator.

Bicycle officers shall not modify or delete equipment, which is presently on the bicycles.

Equipment shall not be added to bicycles, which affects the performance or appearance.

If an equipment change is requested, the request shall be forwarded to the Patrol Division Supervisor for approval.

In the event a bicycle is disabled, the member may use another bicycle.

If an officer finds a bicycle to be inoperative or in need of repair, the inspecting officer will deactivate the bicycle, place a notification on the bicycle and forward a work order request immediately to the unit coordinator.

Nothing in this directive is meant to preclude any temporary modification to the bicycle to permit its immediate, safe use.

## **Motorcycles**

### *Authorization, Conditions and Limitations on Usage*

Patrol motorcycles may be used on special assignments such as parades, funerals, displays, etc. Prior approval from the Patrol Division Supervisor or the Chief of Police is required. In cases of inclement weather during a special assignment, the highest ranking or most senior motorcycle officer will decide whether to terminate the detail. If a Command Officer coordinated the special assignment, a Command Officer will be consulted prior to detail termination.

### Qualifications & Training for Assigned Personnel

Only personnel given prior approval by the Patrol Division Supervisor or the Chief of Police may operate police motorcycles.

Motorcycles officers must have a valid Ohio motorcycle endorsement and at least four years experience as a motorcyclist with a street motorcycle.

Motorcycle officers are selected from interested officers to complement the road patrol operations. Motorcycle officers are appointed by the Chief of Police, who will consider the following employee factors prior to appointment:

- Driving Safety Record
- Attendance Record
- Past Performance Evaluations
- Productivity – Shift Activity Contacts
- Willingness to Perform Short Notice Assignments
- Appearance

### Position Responsible for the Condition & Maintenance of the Motorcycle

It is the responsibility of each rider to make a pre-ride inspection of the motorcycle and assigned equipment prior to any operation.

Only department approved personnel will perform preventive maintenance duties. All repairs will be conducted by a factory authorized service center upon approval of the Patrol Division Supervisor.

### Motorcycle Equipment

The motorcycle will be equipped with the following safety equipment:

- Radio box with side and rear flashing red and blue strobe lights.
- Red strobe lights mounted on crash bar.
- Front red and blue strobe lights.
- Strobe headlight flasher.
- Blue pole strobe light.
- Siren with speaker.
- Police markings on saddlebags, gas tank and front fairing.
- Push to talk system portable radio.

## **Citizen's Safety Patrol Vehicle**

### *Authorization, Conditions and Limitations on Usage*

The purpose of the Citizen Safety Patrol (CSP) vehicle is to promote the use of citizen volunteers within the community in forming a partnership with the Township Government to ensure safety and service to the community, citizens and visitors.

The CSP vehicle shall be specifically marked and distinctly different from the Miami Township police vehicles.

The vehicle may be utilized for the following purposes:

- Citizen Police Academy classes and Alumni Association meetings.
- Authorized Community Functions in which the CPA member is participating at the request of Township officials.
- Routine patrols of the community parks and other areas designated by the Chief of Police or the police supervisor in charge of the CPA group.
- Aid during times of natural or man-made disasters.

The CSP vehicle shall always be operated in a safe manner. Operators shall obey all traffic laws. Operators may not operate the CSP vehicle in an emergency mode under any circumstances. Generally, the overhead lights should not be operated while the CSP vehicle is in motion.

No member operating the CSP vehicle shall carry a firearm permitted by the Ohio Concealed Carry law.

No member operating the CSP vehicle shall caravan police units or respond to police dispatched calls.

It is preferable that there always be two persons in the vehicle when it is being used for community/park patrol. This may be waived by approval between the CPAAA member and a Command Level Officer.

The CPAAA members shall notify the shift supervisor through records personnel before leaving the office for patrol and at the conclusion of the patrol. If records personnel are not on duty, the CPAAA member will call the dispatcher at 732-2231 and ask the dispatcher to notify the supervisor.

If the CSP vehicle becomes involved in any crash, the operator shall immediately summon a patrol supervisor to come to the scene of the crash to take a report. Aid to injured parties will be rendered within the scope of the training experienced by the CPAAA member and the first aid equipment available, until police or EMS resources arrive at the crash scene.

### *Qualifications & Training for Assigned Personnel*

Persons authorized to use this vehicle include any Miami Township employee authorized to drive a Township owned vehicle and the graduates of a Miami Township Police Department Citizen Police Academy class. The Citizen Police Academy class graduate must meet the following criteria to operate the vehicle:

- Any person operating the vehicle must review this directive and sign a receipt of review prior to their initial use of the vehicle. A review and receipt of procedure shall be updated any time a change to this policy occurs.
- The operator of the vehicle must have a valid Ohio Driver's License.
- The CPAAA members driving history shall be examined by the Support Services Supervisor prior to the members' authorization to operate the CSP vehicle. The Support Services Supervisor shall determine the suitability of the member based on prior at fault crashes and traffic violations.
- The CPAAA member shall notify the Support Services Supervisor of any subsequent at fault crashes or traffic citations they receive.

It is the responsibility of the Support Services Supervisor to confirm and maintain records of this directive specific to the CSP vehicle and operators.

### *Position Responsible for the Condition & Maintenance of the CSP Vehicle*

The Support Services Supervisor is responsible for the condition and maintenance of the CSP vehicles.

An inspection of the CSP vehicle shall be conducted on a quarterly basis. The inspection shall determine if the vehicle is in good working order and issued equipment is present. The condition of the vehicle and its equipment will be noted on the inspection. The Support Services Supervisor shall forward notice of any vehicle defaults to the vehicle maintenance personnel for repairs and routine maintenance.

After using the vehicle, the operator shall be responsible for removal of all waste material, trash and personal property not listed in the equipment section of this directive. If any issued vehicle equipment was utilized or damaged and requires replacement, the CPAAA member shall notify the Support Services Supervisor.

If the vehicle needs refueling, the operator will proceed to one of the authorized refueling stations and refuel the vehicle. The CSP vehicle should not be left with less than a half tank of fuel after any use.

### *CSP Vehicle Equipment*

The CSP vehicle shall be marked different from the Miami Township Police vehicles. The CSP vehicle shall have a light bar consisting of amber lights. The CSP vehicle shall be marked with the words, Citizen Safety Patrol. The CSP vehicle is equipped with:

- Township band radio system capable of transmitting routine radio messages to the base station or to on duty police officers.
- Light bar with amber lights used in accordance with this directive.
- One large ABC dry powder fire extinguisher
- Two blankets
- Two flashlights and wands with in-car chargers
- Ten Highway Safety Signal Flares
- Lockout tools and waiver forms
- One roll of barrier tape
- Two pairs of heavy gloves
- Throw rope in storage bag
- First aid kit
- Four pair of rubber gloves in a zip lock bag
- Miscellaneous public relations supplies.

#### **41.1.4 Agency Service Animals – N/A By Function**

Miami Township Police Department does not participate in Agency Service Animals.

#### **41.1.5 Police Service Canines - N/A By Function**

Miami Township Police Department does not participate in Police Service Canines.

**DIRECTIVE 41.2  
PATROL OPERATIONS**

<b>Issue Date: 03/26/2020</b>	<b>By Order of Chief of Police</b>
<b>Rescinds: (Issue 06/20/2019)</b>	<b>CALEA Standards Referenced: 41.2.1; 41.2.2; 41.2.3; 41.2.4; 41.2.5; 41.2.6 &amp; 41.2.7</b>
<b>Pages: 27</b>	

**This directive consists of the following sections:**

- [41.2.1 Responding Procedures](#)
- [41.2.2 Pursuit of Motor Vehicles](#)
- [41.2.3 Roadblocks and Forcible Stopping](#)
- [41.2.4 Notification Procedures](#)
- [41.2.5 Missing Persons](#)
- [41.2.6 Missing Children](#)
- [41.2.7 Mental Health Issues](#)
- [ADDENDUM A. Financial Institution Robbery Alarm Response Plan](#)

**POLICY AND PROCEDURE:**

Police department vehicles shall be used for official business only, except as required to maintain communications and/or an expeditious response in relation to the operator's position or assignment within the department. Only authorized persons shall be permitted to operate police department vehicles. Authorized persons are defined as sworn personnel, non-sworn personnel when directed by a police supervisor, mechanics for transporting vehicles or diagnosing repairs and other township employees as authorized by a police supervisor. The operator of a police vehicle shall be responsible for proper use and care of vehicles, all accessories, equipment and tools assigned to a vehicle under their operation.

**[41.2.1 Responding Procedures](#)**

It is the policy of the Miami Township Police Department that the safety of the public will be the primary concern of officers involved in operating police vehicles and that all other functions (investigations, apprehension, visible patrol, etc.) will be subordinate to protecting the public from harm. All emergency vehicle operations will be conducted in accordance with existing state statutes and the provisions of this directive. It is further the policy of the department that pursuits of motor vehicles, when conducted, will be accomplished within specific guidelines promoting the safety of the public, the officer and the suspect.

### *Routine Vehicle Operations*

Under normal conditions and when responding to routine calls for service, officers operating department vehicles will obey all traffic laws and will operate the vehicles in a safe and courteous manner. Examples of routine calls for service include:

- See Complainant
- Respond to the Station
- Meet Another Officer
- Investigation of Minor Traffic Violations

### *Urgent and Emergency Vehicle Operations*

Officers that are dispatched to incidents requiring urgent, but not an emergency response, shall immediately proceed directly and safely to the call by the most expeditious route without the use of emergency equipment. However, if in the personal knowledge of the situation, the officer's location or traffic conditions present at the time of the call, or any other mitigating circumstances known to the officer dictate an emergency response, the officer is authorized to do so. Examples of urgent calls for service include:

- Calls Involving Weapons
- Deceased Person
- Burglary Alarms
- Officer Calls for Backup
- Family Trouble Calls
- Prowler Calls
- Disturbance Calls
- Any Crime or Suspected Crime in Progress where an Immediate Response by the Police is Likely to Produce an Apprehension.

Officers may engage in emergency operations of their police vehicle in response to an emergency call or when engaged in the pursuit of an actual or suspected violator of the law.

An Emergency Call as defined in 2744.01(A) of the Ohio Revised Code means: A call to duty, including, but not limited to, communications from citizens, police dispatches, and personal observations by peace officers of inherently dangerous situations that demand an immediate response on the part of a peace officer. Examples of emergency calls include:

- Officer Needs Assistance
- Serious Felonies of Violence
- Serious Breathing or Bleeding Incident
- Injury Traffic Crashes
- Robbery in Progress

Any officer engaged in emergency operations of a police department vehicle shall utilize both the vehicles emergency lights and siren to warn vehicular and pedestrian traffic. A police department vehicle in emergency operations may:

- Exceed the posted speed limit if life or property is endangered. Speed shall be governed by road and weather conditions, operational condition of the vehicle, vehicular and pedestrian traffic and the exercise of good judgment.
- Proceed through a red light or stop sign, but only after slowing or stopping as necessary for safe operation. In no event shall a controlled intersection be entered against the flow of traffic at a speed greater than would allow an operator moving with the flow of traffic to see and or hear the emergency vehicle and safely come to a stop or yield the right-of-way.
- Disregard regulations governing direction of movement or turning in specific directions if life or property is not endangered.
- May park the police vehicle irrespective of the laws, except a police vehicle shall not block access to a fire hydrant at a fire scene.
- The provisions of this section do not relieve the operator of a police vehicle from the duty to drive with due regard for the safety of all persons and property upon the street or highways, as prescribed in the Ohio Revised Code sections 4511.03, 4511.24, 4511.45 & 4511.452.

Unmarked police vehicles shall avoid emergency operation, if possible.

A police supervisor may at any time order the end to an emergency response by an officer. The officer will immediately terminate the emergency operation of the vehicle.

### **41.2.2 Pursuit of Motor Vehicles**

Pursuit shall mean: An active attempt by an officer operating a police department vehicle to apprehend an operator of a motor vehicle who, having been given a visual and audible signal by the officer directing such operator to bring the vehicle to a stop, fails to obey such direction and takes some overt action designed to avoid apprehension.

#### **Evaluating the Circumstances**

A pursuit shall be justified only when the officer knows or has reasonable grounds to believe the suspect presents a clear and immediate threat to the safety of other motorists; has committed or is attempting to commit a serious felony; the necessity of immediate apprehension outweighs the level of danger created by the pursuit.

#### **Defining Criteria to Initiate Pursuit**

Officers must consider these factors before deciding whether or not to pursue:

1. The nature and seriousness of the initial offense compared to the hazard to the public created by the pursuit;

2. Decide if there is a need for immediate apprehension or can the suspect be identified and charged through investigation;
3. Other important considerations include: traffic volume, roadway conditions, weather, familiarity with geography, the speed of the pursuit and the ability of other motorists and pedestrians to hear/see police emergency equipment.

Every Department member engaging in a pursuit must be able to articulate what conditions were present that justified the pursuit.

#### *Initiating Officer's Responsibilities*

The responsibility for the decision to initiate a pursuit rests with the individual officer. The officer initiating a pursuit shall always notify the Communications Center as soon as possible that a pursuit is underway and provide the following information:

- Police Unit Identification
- Location, Speed and Direction of Travel
- All Known Vehicle Descriptors
- The Specific Reason for the Pursuit, Including Known Violations of Law
- Number and Description of Operator and Occupants.

Failure to provide the required information may be cause for the supervisor to order the pursuit terminated.

The initiating/primary unit bears operational responsibility for the pursuit, unless relieved by a supervisor.

The initiating/primary unit may maintain pursuit if it is safe to do so, or until directed to terminate the pursuit by a supervisor or the suspect is stopped.

The stopping of a pursuit does not prohibit the following of a vehicle at a safe speed or remaining in the area to reinitiate contact if the opportunity or conditions permit.

Vehicles that have prisoners, witnesses, civilian riders, suspects, complainants or other non-sworn police personnel aboard will not become engaged in vehicular pursuit situations. At the direction of a supervisor, an officer may discharge non-custodial persons at a place of safety and engage as directed in assisting during a pursuit.

#### *Secondary Unit's Responsibilities*

Assistance will be coordinated by the Communications Center under the direction of the Miami Township Police Department shift supervisor. The supervisor and primary unit will be advised of the identity and location of back up units who can assist.

The active pursuit will normally involve not more than two units. If more assistance is specifically requested or needed, the amount will be determined by:

- Nature of the Offense
- Number of Suspects
- Whether the Participating Units have More than One Officer
- Other Clear and Articulated Facts that would Warrant the Increased Hazard

Only the supervisor may authorize more than two units to be in active pursuit. All other units will remain aware of the direction and progress of the pursuit but shall not actively participate and will not respond or parallel the pursuit on adjacent streets, unless specifically authorized to do so.

The assisting unit will maintain a safe distance behind the primary unit but close enough to render back up assistance when required.

Assisting units will avoid intersecting the path of an oncoming vehicle.

If the primary vehicle becomes disabled, the assisting unit will become the primary unit. The Communications Center will advise the supervisor and the other units that a new back up unit is needed and the next unit to join the pursuit will be designated the back up unit.

#### *Roles & Restrictions of Vehicles Involved in Pursuits*

There shall be no caravanning by units that are not directly involved in the immediate pursuit.

There shall be no attempt to pass other police units involved in the pursuit unless the passing officer receives specific permission from the primary unit or the supervisor.

All units in pursuit, whether the vehicle in front of the suspect vehicle or another police vehicle, shall space themselves at a distance that will ensure proper braking and reaction time in the event the lead vehicle stops, slows or turns.

The responsibility for the decision to overtake rests with the individual officer. In arriving at that decision, the officer must carefully consider all the factors involved, including the seriousness of the offense, the possible consequences and most importantly, the safety of the public.

Officers operating unmarked vehicles, provided the vehicle is equipped with emergency lights and siren, may engage in pursuit only when the fleeing vehicle presents an immediate and direct threat to life. Whenever a marked vehicle becomes available to take over the pursuit, the unmarked vehicle will withdraw from the pursuit and serve in a support role.

### Dispatcher's Responsibilities

The Communications Center has the following responsibilities in a pursuit:

- Receive and record all incoming information on the pursuit and the pursued vehicle.
- Immediately notify the on-duty supervisor when a pursuit is initiated.
- Clear radio channel of any unnecessary traffic and advise all other units that a pursuit is in progress and provide all relevant information.
- Perform relevant record and motor vehicle checks.
- Coordinate assistance under the direction of the pursuing officer or supervisor.
- Continue to monitor the pursuit until it has been terminated.

### Supervisor's Responsibilities

A supervisor can order the termination of any pursuit for any reason. The supervisor has the responsibility to direct the following in a pursuit:

- The Pursuit
- Authorize the Use of Alternate Pursuit Tactics, Such as Aircraft, Other Law Enforcement Agencies, Tire Deflation Devices, etc.
- Supervise Police Response Until the Pursuit is Terminated
- Ensure Completion of Necessary Reports to Document the Pursuit.

In the absence of adequate information from the primary or back up unit, or if the supervisor determines that the risk of further pursuit outweighs the benefit of continuing, the supervisor may order the pursuit terminated.

It is not necessary that the supervisor be physically present to begin coordination and assert control over the pursuit.

The supervisor should proceed to the location where the pursuit ends to provide guidance and necessary supervision, if appropriate.

Should a supervisor initiate a pursuit, they should relinquish the pursuit to another officer when practical and assume a supervisory role.

### Termination of Pursuits

Police officers shall not continue pursuing any vehicle involved in misdemeanor or traffic offenses unless the officer knows or has reasonable ground to believe the suspect presents a clear and immediate threat to the safety of other motorists. The pursuing officer must clearly convey to the shift supervisor such threat. The pursuing officer must have permission of the shift supervisor to continue the pursuit.

Police officers shall not continue pursuing any vehicle outside the boundaries of the State of Ohio for other than the following major offenses:

- Aggravated Murder
- Murder
- Voluntary Manslaughter
- Felonious Assault
- Aggravated Assault
- Kidnapping
- Felonious Sexual Assault
- Rape
- Aggravated Arson
- Aggravated Robbery
- Aggravated Burglary

A pursuit will be terminated under any of the following circumstances:

- When, in the opinion of the pursuing officer or the supervisor, there is a clear and unreasonable danger to the officer and other users of the highway created by the pursuit that outweighs the necessity for immediate apprehension.
- The suspects' identity has been established to the point that later apprehension can be accomplished, and there is no longer any need for immediate apprehension.
- The prevailing traffic, roadway and environmental conditions indicate the futility of continued pursuit.
- The pursued vehicle's location is no longer known.
- The pursuing officer knows or is reasonably certain that the fleeing vehicle is operated by a juvenile and the offense constitutes a misdemeanor, or a non-serious felony and the safety factors involved are obviously greater than that with which the juvenile can manage.
- Communications is lost between the primary pursuit unit and Communications Center or police supervisor in control of the pursuit.

#### *Inter & Intra-jurisdictional Pursuits*

The Communications Center, with the approval of the supervisor, will notify outside agencies if this department is in pursuit in their jurisdiction. The informing person will specify that the call is either a request for assistance or merely a courtesy notification with no participation needed.

Officers shall not become involved in another agency's pursuit unless specifically authorized by the supervisor, or unless it is clearly demonstrated that a unit from an outside agency is unable to request assistance or the emergency nature of the situation dictates the need for assistance. In these instances, all department pursuit policies are in effect.

### *Pursuit Reporting & Administrative Review*

All police pursuits in which officers of the Miami Township Police Department are participants shall be reported in writing using the Vehicle Pursuit Report. A report will be completed and filed by the initiating officer of the pursuit. All other officers involved will submit a supplemental report to the initial report, indicating their involvement and actions. The Supervisor will complete the supervisor pursuit narrative report. If Miami Township units were assisting an outside agency, that agency should be specified in the report and a copy of that agency's report shall be attached. If the other agency report is not readily available, the report will indicate when and from whom a copy of the report can be obtained.

All reports involving vehicle pursuits will be reviewed by the supervisor involved for compliance with department policy. The shift supervisor will prior to the end of their shift meet with the department officers involved and shall analyze and evaluate the pursuit and the officer's performance during the pursuit. Should a reviewing supervisor find any violations of procedure or errors in performance, they shall issue appropriate corrective action.

Upon review of the pursuit with the officers involved, the supervisor shall forward the report and any comments through the chain of command for an administrative review.

### *Annual Documented Analysis*

In January of each year, The Chief of Police shall designate a person to conduct a documented annual analysis of pursuits, which occurred the previous year. The analysis shall include:

- A review of pursuit policies and reporting procedures.
- Detect patterns or trends indicating training needs and/or policy modifications.
- Determine the factors involved in the initiation of the pursuit.
- Overall pursuit duration and hazards before, during and contributing to the conclusion of the pursuit.
- Any other information that would be relevant to the analysis process.

### *Documented Initial Training on Pursuit Policy*

All newly hired sworn personnel shall receive a copy of this policy via receipt during their first week of employment with Miami Township.

### *Documented Annual Review of Pursuit Policy*

All sworn personnel will receive documented annual training on Miami Township Police Department's pursuit policy.

### 41.2.3 Roadblocks and Forcible Stopping

#### *Circumstances Warranting Use*

In the course of the pursuit, roadblocks, deliberate contact between vehicles or forcing the pursued vehicle into parked cars, ditches, or any other obstacle, boxing in, heading off, ramming or driving alongside the pursued vehicle while it is in motion shall be prohibited.

The use of tire deflation devices may only be authorized by a supervisor and will be used only in a situation where the violator constitutes an immediate and continuing serious hazard and all other efforts to affect an apprehension have failed.

#### *Procedures for Implementation*

The use of tire deflation devices may be utilized only at the direction of a supervisor and shall only be implemented by personnel who have received training in the Miami Township Vehicle Pursuit Directive and tire deflation devices.

The location for use of a tire deflation device should be chosen that provides the greatest protection to the officers and non-involved persons and property. The location should provide an adequate view ahead to allow vehicles to come to a safe stop. The location should avoid a possible turn-off but provide for an avenue of escape after the tire deflation device comes into view by the pursued vehicle.

When deploying a tire deflation device, the officer doing so, shall as feasible, advise other officers involved in the incident of deployment. Officers should attempt to choose locations where there is concealment for the officer and protection, or an escape route in case the offender swerves. The officer deploying a tire deflation device shall ensure that the device is collected when no longer needed.

At no time will a tire deflation device be utilized on a two- or three-wheel vehicle.

#### *Required Training*

The use of tire deflation devices may be utilized only at the direction of a supervisor and shall only be implemented by personnel who have received training in the Miami Township Vehicle Pursuit directive and tire deflation devices.

#### *Supervisory Responsibility*

The supervisor has the responsibility for the following:

- Supervision of the Incident & Circumstances Warranting Use.
- Authorization for Use.
- Ensure Completion of Necessary Reports to Document the Use.

### *Written Report & Administrative Review*

The officer utilizing a tire deflation device shall prepare a supplemental report regarding the use. The report will detail the results of the use and any other pertinent information known to the implementing officer. The supplemental report will be forwarded as part of the pursuit report filed for the event in which the tire deflation device was utilized and forwarded through the chain of command for an administrative review.

### **41.2.4 Notification Procedures**

#### *Support Agencies*

The circumstances and procedures for contacting various law enforcement support agencies, public service agencies and Police Command Staff. All support agencies and public service agencies can be contacted by making radio or telephone contact with the Communications Center and requesting appropriate notification. Personnel may also make direct contact with the agency if available.

#### Clermont County Coroner

In the event of any apparent homicide, suicide, accidental death, death that occurs under suspicious circumstances, discovery of any corpse or human remains where the cause of death is not readily apparent, deaths of infants under two years of age and natural death that is not attended by a physician and the attending physician cannot be contacted or will not agree to sign the Certificate of Death, the Clermont County Coroner shall be notified.

#### Responsible Township, County or State Highway Departments

In the event of the destruction, collapse, serious damage, obstruction or any other event that occurs on a roadway that restricts or prohibits the normal flow of traffic, flooding of any roadway, damage to or the collapse of a bridge or culvert, destruction, theft or other removal of any traffic control device that if not immediately replaced could jeopardize the safety of the motoring public, the appropriate roadway/highway department shall be notified.

#### Public and Private Utilities

In the event of the destruction, collapse, serious damage, obstruction or any other event that occurs to a utility that restricts or prohibits the normal delivery of services to the public, flooding or storm damage of any utility, destruction, theft or other removal of any public utility device that if not immediately replaced could jeopardize the safety of the public and any traffic accident, fire or other accident that disrupts the utility or threatens the public safety, the appropriate public/private utility shall be notified.

#### News Media

If a condition threatens the public's safety and dissemination of information to the news media would reduce or limit the risk to the public, the news media shall be notified. If

the situation and time permit, on-duty supervisors shall contact the Patrol Division Supervisor to contact the news media or to advise they will be contacting the media.

#### Notification of Police Command Staff

Unusual events, emergency situations and serious criminal offenses may require the attention of the departments' Command Staff. Notification shall be made as indicated so that assistance in evaluating the situation, ensuring necessary procedures are taken, and procuring additional resources as needed are utilized.

Notification of Police Command Staff also serves the purpose of notifying the Chief of Police via the chain of command, of events where there may be a question of agency liability or those events that may result in heightened community interest. Should an event occur that is not listed, and the supervisor believes that command staff notification should occur, the supervisor should resolve in favor of notification.

In the event of any of the following incidents, the Patrol Lieutenant will be notified as soon as possible by the on-duty supervisor. In the event he/she is unavailable, the Investigations Lieutenant will be notified:

- Serious injury to any off-duty agency member;
- Injury to any on-duty agency member;
- Fatal automobile crash;
- Crash involving agency owned vehicle;
- Serious civil disorder/riot;
- Severe incident of insubordination or misconduct by agency employee;
- Use of force incident involving injury that requires hospital treatment;
- Discharge of firearm by agency employee (except destruction of animals);
- Any injury requiring hospital treatment or death of any person in agency custody;
- Serious incident causing media attention or that may draw public or political interest.
- Any Serious Felony Offense or spectacular event.

In the event of any of the following incidents, the Investigations Lieutenant will be notified as soon as possible by the on-duty supervisor. In the event he/she is unavailable, the Patrol Lieutenant will be notified:

- Homicide or Suicide;
- Unexplained death, absent obvious causes;
- Suspicious death case taken by the Coroner;
- Child under 12 missing more than one hour after notification has been made to police.
- Rape or Abduction;
- Officer Involved Shooting;
- Death of any Person in Agency Custody;

- Felonious Assault;
- Armed Robbery;
- Breaking and Entering with Property Loss greater than \$5000.00.

#### **41.2.5 Adult Missing Persons**

##### **Definition of Adult Missing Person - ORC 2901.41 of the Ohio Revised Code:**

Person eighteen years of age or older who is a temporary or permanent resident of Ohio and meets one of the following characteristics:

- The individual has a physical or mental disability at time of disappearance.
- The individual is missing under circumstances indicating their safety may be in danger.
- The individual is missing under circumstances indicating the disappearance was not voluntary.

Indicators of Foul Play as listed in ORC 2901.42 of the Ohio Revised Code include but are not limited to:

- A persons' car or home is in disarray.
- Evidence of a struggle between the missing person and another individual(s).
- Any other evidence an Officer determines that would indicate that.

**An officer is required to determine, based on the individual circumstances of each case, and the criteria above if the reported missing adult meets the definition of Adult Missing Person. Any further action required by this policy will be based upon that determination.**

**If an officer receives a complaint of an adult missing person who does not meet the definition of an adult missing person in ORC 2901.41, the officer will take an information report with description and pertinent information, that will be retained locally unless circumstances require reclassification as an Adult Missing Person.**

#### **Initial Description and Information to be Gathered**

When a person files an adult missing person report, the officer taking the report will endeavor to check and ascertain the following:

- Is this a missing person or could it be another situation? Some factors to consider when making this decision are the reported missing persons' age, mental, physical and emotional well being as well as family and social environment.
- Is foul play or other type of criminal activity suspected?
- Is a current description and photograph of the missing adult available?
- What steps can the officer completing the report take to attempt to locate the missing person?

- What outside assistance, if any, might be needed.
- Will a DNA standard need to be obtained?

### *Dissemination of Collected Information & Entry & Removal in LEADS and NCIC*

Based upon the results of the inquiries above, the agency will take the following steps:

If the missing person is at least eighteen (18) but less than twenty-one (21) years of age, a report must be taken, and the information contained in the initial report must be sent to the Clermont County Communications Center (CCCC) for entry into NCIC immediately. If additional information is received regarding a report on a missing person at least eighteen (18) but less than twenty-one (21) years of age, that information must be sent to CCCC for entry into NCIC immediately.

The following NCIC entry actions must be taken in the case of missing persons who are 21 years of age and older:

- If foul play is suspected, the information contained in the report must be entered in NCIC within seven (7) days.
- If no foul play and the subject has not returned, the information contained in the report must be entered in NCIC within thirty (30) days.
- If no foul play was indicated initially but evidence of such becomes known to the agency before the end of the seven-day period, the information contained in the report must be entered in NCIC before the end of the seven (7) day period.
- If no foul play was indicated initially but evidence of such becomes known to the agency after the seven-day period, the information contained in the report must be entered in NCIC within forty-eight (48) hours.

### *Special Considerations for Critically Missing and At-Risk Persons*

If a person is mentally impaired or 65 years of age or older, a Missing Adult Alert may be warranted. This alert is based on several criteria:

- The local investigating law enforcement agency confirms that the individual is missing. (Check local hospitals, neighbors, businesses, etc).
- The individual is sixty-five years or older or has a mental impairment.
- The disappearance of the individual poses a credible threat of immediate danger or serious bodily harm or death to the individual.
- There is enough descriptive information about the individual and the circumstances surrounding the individual's disappearance to indicate that activation of the Alert System will help locate the individual.

Once ALL the above criteria are established, the officer shall make personal notification to the CCCC requesting entry as a LEADS Missing Adult Alert and the officer will fax the report and the CCCC Missing Person Information Sheet. After sending the required

documents, the officer will verify receipt via phone (indicated on report) or fax transmittal report (attached to report).

Upon notification that a missing adult has been located, a supplemental report shall be completed. The officer shall also fax to CCCC a cancellation notice to have the missing information removed from the LEADS and NCIC computer systems. The officer shall attach the cancellation notice and fax receipt to the supplemental report.

#### *Follow Up with Reporting Person*

The officer assigned to an adult missing person case shall establish contact with the reporting person and shall maintain contact with the reporting person as needed.

#### *Follow Up Investigation & Search*

Miami Township police employees will do everything within their legal authority to locate and identify adults reported as missing; however, adults who do not meet the definition of an adult missing person in ORC 2901.41 have the right to go wherever they choose and have a legal right to be. Should the reporting person indicate the possible location of the person, a check or search of the location may be conducted utilizing resources that are available. If located, the reporting person will be informed the adult was located; however, the decision of informing the reporting person where the person was located will be the decision of the investigating officer.

If a person is classified as an adult missing person pursuant to ORC 2901.41, follow up investigation activities may include the following:

- Make a second contact with officers, witnesses, informants or suspects and conduct additional interviews and interrogations.
- Seek media assistance in locating the missing person and/or suspect.
- Follow up new leads.
- Collect additional evidence, review the evidence and send evidence to the lab for analysis.
- Review any Miami Township records, other department records and criminal history of suspects.
- Plan, organize and conduct searches.
- File charges with and assist the Prosecutor.
- Locate and arrest suspects and determine involvement in other crimes.
- Testify at court hearings regarding the case.

#### **41.2.6 Missing Children**

##### *Statement of Policy*

Miami Township Police Department recognizes that an immediate and consistent response to reports of missing, runaway, abandoned, abducted and endangered children is

critical. Therefore, we have established responsibilities and guidelines for investigation of missing, unidentified or endangered children.

### Child Custody Issues

Questions concerning parental custody occasionally arise in relation to missing child reports. It shall be the responsibility of all sworn police officers of the Miami Township Police Department to enforce child custody orders tendered by a court of law in the State of Ohio or any other State providing the custody order has been properly filed with a Clerk of Courts.

Upon being notified of a child custody dispute, the officer shall ask to see the latest or most recent child custody order. The officer shall read the child custody order in its entirety and will verify the legitimacy of the custody order with the Clerk of Courts from which the child custody order was issued. Anyone found to be in violation of a verified child custody order filed with the State of Ohio may be charged under ORC 2919.23, Interference with Custody.

If the child custody order cannot be verified, the officer shall notify Clermont County Children's Protective Services and request the child be placed in protective custody until the next judicial day.

Officers shall investigate whenever information is received that a non-custodial parent or guardian is planning to leave the United States with a child or children subject to a child custody order. If the officer has reasonable belief that such information is true, the officer will contact Children's Protective Services and have the child placed in protective custody until the next judicial day. If necessary, the officer will contact the Prosecutor's Office and request a protective custody warrant for the child or children. In cases where the non-custodial parent or guardian has already fled the Country with a child or children subject to a child custody order, the officer will establish contact with the National Center for Missing and Exploited Children (1-800-THE-LOST) to ascertain if the Country to which the suspect fled is covered under the Hague Treaty and to place the custodial parent or guardian in contact with the State Department of Children Affairs. Officers will prepare a written report of Interference with Custody and file all appropriate charges. The officers will ensure that the suspect and missing children under these circumstances are entered in the NCIC Missing/Wanted Persons file by faxing all necessary information and paperwork to the Clermont County Communications Center.

Members of the Miami Township Police Department are not authorized to decide child custody arrangements in cases without a court order.

### Abandoned Child (Safe Haven)

Under Ohio Law, a parent may voluntarily desert a child less than 30 days of age at a hospital, an emergency service organization or at a law enforcement agency. In the event

a child is left at one of our stations, this directive provides police, fire and EMS personnel an outline of the procedures to be followed. ORC 2151.3515 through 2151.3530.

Any police, fire or EMS member contacted by a person attempting to leave an infant at a fire station, police station or other location shall immediately notify the on-duty shift supervisor. Police or Fire/EMS personnel shall attempt to gain as much information from the party as possible for the completion of the police incident and/or EMS report. Police or Fire/EMS personnel shall:

- Attempt to ascertain the date and time of birth or age of child. If the child appears to be a newborn and the age is uncertain, follow the guidelines as if the child is less than 30 days of age.
- Attempt to ascertain any pertinent medical information, including whether the child has any known medical problems/conditions.
- If possible, make available to the parent who delivered the child the Ohio Department of Job and Family Services Voluntary Medical History for Safe Havens form. This form is designed to gather medical information concerning the child and the child's family. It should be explained to the parent that completing this information form is in their infant's best interests because it will aid health care workers to better care for the child. The form is located on the police G drive, forms folder, Abandoned Medical History.
- Parents are not required by law to provide information to police or Fire/EMS personnel.

Police or Fire/EMS personnel receiving an abandoned child shall also do the following:

- Perform any act necessary to protect the child's safety or health. Parental consent to provide medical treatment is not necessary for EMS personnel to treat the child.
- If the child has suffered a physical or mental wound, injury, disability or condition of a nature that reasonably indicates abuse or neglect of the child, attempt to identify and pursue the person who delivered the child. A person who delivers or attempts to deliver a child under these circumstances is not immune from civil or criminal liability for abuse or neglect. If in the opinion of Fire/EMS personnel, the child has any injuries, the police shall be notified, and the police should detain the person as required by law.
- Make appropriate supervisory notification and notification to Children's Protective Services.
- Any abandoned child under the Deserted Child law shall be transported to a hospital emergency room for evaluation and treatment as soon as reasonably possible. Only Children's Hospital (preferred) or Bethesda North Hospital (if more immediate treatment is needed) shall be used. Upon transporting the child to the hospital, the EMS crew shall contact the receiving hospital to notify them that they will be receiving a Deserted Child.

### Supervisory Notification

Whenever an officer takes a missing, runaway, abandoned, abducted or endangered child report, the fact that a report has been taken shall be made immediately known to the shift supervisor. Based on initial information provided, and the officer's risk assessment, the officer will classify the missing child (a person seventeen years of age and under) in one of the following categories:

- **Disability** – A child who is missing and under proven physical/mental disability or is senile, thereby subjecting himself/herself or others to personal and immediate danger.
- **Endangered** – A child who is missing under circumstances indicating that his/her physical safety is in danger.
- **Involuntary** – A child who is missing under circumstances indicating that the disappearance is not voluntary, i.e. abduction or kidnapping.
- **Catastrophe Victim** – A child who is missing after a disaster.
- **Juvenile** – A child who is missing and does not meet the criteria of Disability, Endangered, Involuntary or Catastrophe Victim.

In the event of a missing child, the shift supervisor shall determine, using the guidelines supplied in this directive, whether to activate the Ohio Missing Child Alert or AMBER Alert System.

In cases where a missing child can be classified as Disability, Endangered, Involuntary or Catastrophe, the shift supervisor shall ensure all notifications are made in accordance with 41.2.4 of this directive.

### Information Required for Immediate Notification of Appropriate Inter and Intra Agency Coordination

The Ohio Missing Child Alert system may be utilized for any missing child, including runaways, seventeen years of age and younger. The information needed to activate this system is contained on the NIBRS report and the Missing Person report form.

Runaway children will only be entered via the Missing Child Alert System if the supervisor believes the child is endangered due to the circumstances of the incident, State/National resources are needed to locate the missing child or other articulated reasons. After a determination has been made to activate the Missing Child Alert System, a call shall be placed to the Ohio Attorney General's Office, Missing Person Unit at 855-BCI-OHIO. Once the information has been transmitted, they in turn take the following actions:

- Public display of a missing child's photo on the Ohio Attorney General Missing Persons and the National Center for Missing and Exploited Children website.
- All statewide media notified by fax and email.
- Utilize Facebook and Twitter to reach thousands of followers.

- The National Center for Missing and Exploited Children is notified.
- Ohio trucking companies are notified through the Ohio Truckers Alert if the missing child is believed to be in a known vehicle.
- Coordination of alert activation in other states.
- The Bureau of Criminal Investigation Child Abduction Response Team (CART) Coordinator is notified and contacts agency. This agency will coordinate the BCI response and coordinate statewide CART and/or Search and Rescue teams.

The supervisor shall make certain that the Clermont County Communications Center sends out a statewide Missing Child Alert teletype.

The Chief of Police or his designee shall make the determination to mobilize CART.

Should posters need to be generated, they shall be printed and distributed.

#### *Activation of AMBER Alert System*

The Ohio AMBER Alert System criteria are well defined to lessen the likelihood of overuse or misuse. Supervisors shall initiate the AMBER Alert System without delay when the following criteria are met:

- The child is seventeen years of age or younger.
- The child is in immediate danger of serious bodily harm or death.
- There is enough descriptive information about the child, suspect, suspect vehicle, and/or the circumstances surrounding the abduction lead the officer to believe that activation of the alert will help to locate the child.
- The activation of the AMBER Alert System is not to be used for runaway children or family abductions unless the investigation determines that the child is in immediate danger of serious physical harm or death.

After a determination has been made to activate the AMBER Alert System, a call shall be placed to the Clermont County Sheriff's Office requesting activation of the AMBER Alert System. The information needed to activate this system is contained on the NIBRS report and the Missing Person report form.

#### *Responsibilities of Dispatchers, First Responders, Supervisors and Investigators*

##### Dispatchers

Dispatchers utilize a Missing Person nature code that activates a series of questions. Dispatchers shall question the caller to preliminarily assess the level of risk to the missing person. Dispatchers shall promptly dispatch an officer to handle the call.

Dispatchers shall receive and relay updates as needed. Dispatchers shall issue teletypes and make LEADS/NCIC entry and cancellation as required.

## First Responders

Officers notified of a missing child will make personal contact with the reporting person and obtain all pertinent information and complete a NIBRS report and additional supplemental reports as needed. The reporting officer will complete and have signed by the missing child's parent/guardian a Release of Information form.

The person from whom the report is taken must be the parent, custodial parent or legally appointed guardian of the child, or anyone in loco parentis if the incident appears to be a kidnapping or abduction offense.

A runaway child is defined as child under the age of eighteen or otherwise is an unemancipated person as defined by the laws of the state of Ohio.

Upon taking a juvenile missing report, the officer will verify that the child is in fact missing, verify the child's custody status and assess the risk factors concerning the missing child. Factors to consider are the age of the child, the circumstances of the incident, the developmental status of the child both physically and mentally and the child's zone of safety.

Based on initial information provided and the officer's risk assessment, the officer will classify the missing child in one of the following categories:

- **Disability** – A child who is missing and under proven physical/mental disability or is senile, thereby subjecting himself/herself or others to personal and immediate danger.
- **Endangered** – A child who is missing under circumstances indicating that his/her physical safety is in danger.
- **Involuntary** – A child who is missing under circumstances indicating that the disappearance is not voluntary, i.e. abduction or kidnapping.
- **Catastrophe Victim** – A child who is missing after a disaster.
- **Juvenile** – A child (a person seventeen years of age and under) who is missing and does not meet the criteria of Disability, Endangered, Involuntary or Catastrophe Victim.

In cases where the child is classified **Juvenile** and should the child not be found and returned to the parent/guardian prior to concluding the detail the officer will fax to the Communications Center, a copy of the report along with the Missing Person Information form for local broadcast and LEADS/NCIC entry. After sending the required documents, the officer will verify receipt via phone (indicated on report) or fax transmittal report (attached to report).

Contact any persons or locations that the parent/guardian provides as possible associates or destinations.

Contact any law enforcement agency whose jurisdiction the child may be in and provide to that agency information pertaining to the missing child. The officer shall, as necessary, contact appropriate county children's service organizations that may have an interest in the child's welfare.

The reporting person shall be referred to juvenile court to file unruly charges on the child. The reporting person shall be advised to public service juvenile court intake personnel prior to responding to juvenile court to file charges.

In cases where the missing child can be classified as **Disability, Endangered, Involuntary or Catastrophe** the officer on scene will treat the location of the event as a crime scene. The officer on scene will, when practical, take the following preliminary steps to aid in the recovery of the child:

- Determine when, where and by whom the missing child was last seen.
- Interview the individuals who last had contact with the missing child.
- Identify the child's zone of safety for his/her age and developmental stage.
- Obtain a detailed description of the missing child, abductor and any vehicle involved.
- Relay detailed descriptive information to the Communications Center for broadcast updates.
- Request additional personnel if circumstances require.
- Brief all additional responding personnel including supervisors and investigators.
- Ensure that everyone at the scene is identified and interviewed separately. Make sure their interview and identifying information is properly recorded. To aid in this process, if possible, take pictures or record video images of everyone present.
- Note name, address and telephone numbers of each person.
- Determine each person's relationship to the missing child.
- Note information that each person may have about the child's disappearance.
- Determine when/where each person last saw the child.
- Ask each one, 'What do you think happened to the child?' and document the answer.
- Obtain names, addresses and telephone numbers of child's friends/associates and other friends and relatives of the family.
- Obtain, note permission and conduct a thorough search the home or building where incident took place.
- Conduct search to include all surrounding areas including vehicles and other places of concealment.
- Seal/protect the area of the child's home, including child's personal items such as hairbrush, diary, photographs, computer, and if possible, items with the child's fingerprints/footprints, teeth impressions, so that evidence is not destroyed during or after the initial search and to help ensure that items which could help in the search for and/or to identify the child are preserved. Determine if any of the child's personal items are missing. Photograph of videotape these areas.
- Evaluate contents and appearance of child's room/residence.

- Obtain photographs and/or videotape of missing child/abductor.
- Ensure all reports and corresponding paperwork are faxed to the Communications Center for entry in the NCIC Missing Person/Wanted Persons file.

### Supervisors Responsibilities

In cases where the missing child can be classified as **Disability, Endangered, Involuntary or Catastrophe**, the supervisor shall ensure all notifications are made in accordance with 41.2.4 of this directive.

The supervisor shall establish a command post away from the child's home and ensure the following steps have been taken:

- Obtain briefing and written reports from first responding officer and any other agency personnel at the scene.
- Determine if additional personnel are needed to assist in the incident.
- Determine if outside help is needed from other local police/fire agencies, the Ohio Missing Child Alert System, FBI, Specialized Units, Victim/Witness Services and the AMBER Alert System.
- Ensure that all required resources, equipment and assistance necessary to conduct an efficient investigation have been requested.
- Ensure coordination, cooperation among all law enforcement personnel involved in the investigation and search effort.
- Ensure that all agency directives, policies and procedures comply.
- Be available to make any decisions or determinations as they develop.
- Coordinate with the Investigations Division Supervisor and utilize media including radio, television, newspapers and internet to assist in the search for the missing child and maintain media relations per established protocols throughout the duration of the incident.

### Investigators Responsibilities

Investigators assigned to cases involving missing children should obtain a briefing from the first responding officer and on-scene personnel. Investigators will verify the accuracy of all descriptive information and other details obtained during the initial investigation. The Investigator assigned to the case shall establish contact with the reporting person and maintain contact as needed. In addition, investigators will ensure the following steps are taken:

- Obtain a brief, recent history of family dynamics.
- Correct and investigate the reasons for conflicting information offered by witnesses and other individuals.
- Review and evaluate all available information and evidence collected.
- Develop an investigational plan for follow up.
- Determine what additional resources and specialized services are required.

- Conduct a criminal history check on all principal suspects and participants in the investigation.
- Contact the National Center for Missing and Exploited Children at 1-800-THE-LOST for investigative resources.
- Within 10 days of the child's disappearance, inform the school district, other local educational agencies or private schools in which the child is enrolled that the child is missing. Notification shall be in writing and include a photograph of the child if one is available.
- Execute investigative follow up plan.
- When a child has not been located within thirty days from the date the missing person report was filed, the officer assigned to investigate will obtain the dental records of the missing child. Upon receiving the dental records, the investigating officer shall have such information entered into the NCIC computer record of the missing child.

### *Follow Up Responsibilities*

The officer assigned the case shall be responsible for the follow-up activities upon notification that a missing child has been located or returned to their residence.

- Verify that the located child is, in fact, the reported missing child. The benefits of this practice include assessing the child's safety, gaining intelligence about possible predators and helping prevent future episodes.
- Arranging for intervention services, if indicated. During the verification process, officers should be alert for indications that additional services may be needed before the child can be safely reunited with their family. These services may include mental and/or physical health examinations and arrangements for family counseling.
- Arranging, in the case of a runaway or missing child from within department jurisdiction who has been located and who is not wanted on a warrant or other law violation, the return of the child to his or her legal guardian or an appropriate Juvenile facility.
- Complete appropriate supplemental reports and cancelling all outstanding notifications. Along with the cancellation of the LEADS/NCIC Missing Person file entry and other notifications regarding the case; a supplemental report shall be completed that describes the child's activities while missing and circumstances of the recovery/return. Additionally, notification shall be made to the Ohio Missing Child Alert System and the AMBER Alert System, if utilized.
- Placing, in the case of a runaway from another jurisdiction or from out-of-state who has been located and for whom a warrant exists or for whom an NCIC missing person hit is verified, the child in custody and transporting them to the appropriate facility for admission.
- An officer will, when notified by a school, that a student upon enrolling into the school system cannot supply an original birth certificate and records from the school most recently attended, check into the child's background to determine if the child is a missing child.

- All employees of the department shall when requested in accordance with their assigned duties within the department aid and cooperate with other law enforcement agencies in their investigation of cases involving missing children.

#### **41.2.7 Responding to Persons with Mental Illness**

##### *Guidelines for the Recognition of Persons Suffering from Mental Illness*

Mental illness is defined as a substantial disorder of thought, mood, perception, orientation or memory that grossly impairs judgment, behavior, and capacity to recognize reality or ability to meet the ordinary demands of life. [ORC 5122.01]. While modern accepted practice is to keep those with mental illness out of the criminal justice system, this may not always be feasible, and arrest may be necessary. Overall, the officer will seek to provide a disposition that both serves the needs of the individual and maintains order and safety in the community.

Mental illness may be recognized by:

- The officer's observations of obvious abnormal behavior.
- Collecting a history from the individual of existing mental health diagnosis, prescribed medications and prior treatment or hospitalization for mental health reasons.
- Family/friends in attendance may provide information regarding known diagnosis, history of violence or suicide attempts and use/misuse of medication.

Officers should attempt to distinguish between mental illness versus the influence of drugs, alcohol or emotional distress.

Ohio Revised Code 5122.01B defines a mentally ill person subject to hospitalization by court order as a mentally ill person who, because of the person's illness:

- Represents substantial risk of physical harm to self as manifested by evidence of threats of, or attempts at, suicide or serious self-inflicted bodily harm.
- Represents a substantial risk of physical harm to others as manifested by evidence of recent homicidal or other violent behavior, evidence of recent threats that place another in reasonable fear of violent behavior and serious physical harm or evidence of present dangerousness.
- Represents a substantial and immediate risk of serious physical impairment or injury to self as manifested by evidence that the person is unable to provide for and is not providing for the person's basic physical needs because of the person's mental illness and that appropriate provision for those needs be made immediately available to the community.
- Would benefit from treatment in a hospital for the person's mental illness and needs such treatment as manifested by evidence of behavior that creates a grave and imminent risk to substantial rights of others or the person.

### *Procedures for Accessing Available Community Mental Health Resources*

If an incident involving a mentally ill person occurs in Clermont County, officers will provide access to Clermont Mercy Hospital for both adults and juveniles 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. A copy of the statement of belief shall be attached to the NIBRS report.

The police department has partnered with the Clermont County Mental Health & Recovery Board and received training in the nationally recognized Crisis Intervention Training (CIT). This program works to strengthen the relationship between the law enforcement and behavioral health systems. The goal of the CIT program is to promote safety by educating law enforcement on mental illness; and having officers learn about the characteristics associated with untreated mental illness and practice skills designated to deescalate certain behaviors, divert people with a mental illness who are in crisis from the criminal justice system whenever possible and supply officers with the needed resources to connect people to services.

For mental health calls that do not rise to the level of transporting to Clermont Mercy Hospital or jail this resource is available for an officer to call a mental health professional to respond to the scene, speak with the person in the mental health crisis, and/or complete a CIT referral form regarding the persons mental health crisis and forward it to the Clermont County Mobile Crisis Team for follow up.

### *Officers Guidelines for Contact with 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 Miami Township 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 appropriate medical facility by

ambulance. In such cases, an officer shall accompany the ambulance to the medical facility.

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:

- The mentally ill person shall be restrained securely but not in a manner that may tend to cause harm to the prisoner.
- If the mentally ill person is violent, 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 bizarre 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.

If the person believed to be mentally ill has committed a crime, officers are encouraged to consider alternatives to arrest; [Directive 1.2.6] however, this policy is not intended to prohibit officers from arresting and incarcerating mentally ill persons. Miami Township Police Officers acting within the scope of his/her employment will use only the force necessary to accomplish lawful objectives. This includes officer contact with mentally ill persons. [Directive 1.3.1]. Persons thought to be mentally ill who are being arrested and incarcerated shall be secured and transported to the jail via normal transport procedures. [Directive 70.3.1]. The officer will document on the jail commitment form any information pertaining to the person's mental health.

#### *Entry Level Training of Agency Personnel*

Entry level training regarding mentally ill persons will be conducted as part of the Field Training Program for all police officers and during the probationary phase of employment for civilian employees. Sworn personnel shall attend Crisis Intervention Training as directed. A record of such training will be documented and retained.

#### *Refresher Training of Agency Personnel*

Refresher training will be conducted at least annually for all sworn police employees. A record of such training will be documented and retained.

# DIRECTIVE 41.3 PATROL EQUIPMENT

<b>Issue Date: 03/26/2020</b>	<b>By Order of Chief of Police</b>
<b>Rescinds: (Issue 05/30/2019)</b>	<b>CALEA Standards Referenced: 41.3.1; 41.3.2; 41.3.3; 41.3.4; 41.3.5; 41.3.6; 41.3.7, 41.3.8 &amp; 41.3.9</b>
<b>Pages: 13</b>	

**This directive consists of the following sections:**

- [41.3.1 Patrol Vehicles Lights, Sirens](#)
- [41.3.2 Equipment Specification/Replenishment](#)
- [41.3.3 Occupant Safety Restraints](#)
- [41.3.4 Authorized Personal Equipment](#)
- [41.3.5 Protective Vests](#)
- [41.3.6 Protective Vests/Pre-Planned, High Risk Situations](#)
- [41.3.7 Mobile Data Access](#)
- [41.3.8 In-Car Audio / Video / Body-Worn](#)
- [41.3.9 License Plate Recognition Systems](#)

## **POLICY & PROCEDURE**

In order for officers and/or employees of the Department to be able to deliver effective, efficient and high-quality law enforcement services to the community they must have access to the proper vehicles and equipment.

### **[41.3.1 Patrol Vehicles Lights, Sirens](#)**

All vehicles used for routine patrol duties shall be equipped with an operational emergency light system, exterior spotlights, public address system and siren.

All vehicles used for routine patrol duties shall be conspicuously marked. The reflective markings shall include agency name, emergency telephone number, vehicle number and department emblem on the front left and right side doors and at a minimum have the word POLICE on both sides of the vehicle. The rear of the vehicle may be marked POLICE or Traffic Safety Unit.

### **[41.3.2 Equipment Specification/Replenishment](#)**

The following equipment shall be maintained in department vehicles used for routine patrol:

- Mobile Data Computer

- In-Car Video/Audio System
- Radar Unit
- Fire Extinguisher
- First Aid
- Two Blankets
- Flashlight/Charger/Wand
- 10 Flares
- Evidence Collection Kit/Fingerprint Kit
- Lockout Tool
- Traffic Cones (4)
- Barrier Tape
- Two Clip Boards
- Heavy Duty Gloves (1)
- Hazmat Reference Book
- Deer Kill Receipt Slips
- Safety Throw Rope
- Floatation Vest
- Hobble Restraint
- Stop Sticks
- AR 15 (Patrol Only) (Spare Magazines in Go Bag)
- Measuring Wheel
- Spit Mask (Glove Box)
- PPE Kit
- Portable Breath Testing Equipment (In District & TSU Bags)
- Garage Remote & Gas/Car Wash Cards
- Transport Belts & Large Handcuffs (District Bag)

Additionally, Traffic Safety Unit vehicles shall be equipped with:

- Steel Measuring Tapes
- Traffic Cones (8)
- Traffic Code Book
- Inflatable Wedge
- Portable Breath Testing Equipment (In District & TSU Bags)

Additionally, Supervisors vehicles shall be equipped with:

- Barrier Tape (Additional Roll)
- Large Volume OC Chemical Agent Unit
- Pry Bar
- Transport Belt
- Incident Command Board
- Red Man Helmet

Officers will be responsible for requesting supplies or equipment on a daily basis as needed. When an officer is aware that supplies or equipment are needed or in need of repair or replacement, they shall request repair/replacement via the Supervisor.

### **41.3.3 Occupant Safety Restraints**

Safety restraints shall be used by all persons riding in department vehicles any time the vehicle is in motion, except as provided for in the department's Prisoner Transport Directive 70.2.1.

### **41.3.4 Authorized Personal Equipment**

Miami Township Police Department issues all authorized personal equipment and apparel as listed in Directive 22.1.6. Officers may carry a department approved secondary firearm that is not supplied by the department. [4.3.1] No other apparel or equipment may be utilized.

### **41.3.5 Protective Vests**

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 unit and motorcycle 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.

### **41.3.6 Protective Vests/Pre-Planned, High-Risk Situations**

Investigative personnel could be exposed to situations which require arrest at any given time and without notice, therefore personnel working in that capacity are encouraged to wear body armor when actively working an investigation and must wear body armor when actively serving arrest warrants, engaged in a high risk operation or being part of a search warrant or raid. When the body armor is not being worn, the Detective shall have readily at hand their assigned body armor for use.

### 41.3.7 Mobile Data Access

#### Guidelines & Restrictions – Mobile Data Computers

It shall be the policy of the Miami Township Police Department to provide Mobile Data Computers (MDC) and associated equipment for the use of its officers assigned to road patrol and other duties, as resources permit. This equipment shall be used only for official purposes and within all established Miami Township, Clermont County, State of Ohio, LEADS/NCIC and NLETS rules and regulations.

Designated vehicles of the Miami Township Police Department are equipped with a Mobile Data Computer (MDC). The MDC is used to communicate with the communication center, communicate car-to-car, access the LEADS/NCIC network, write reports, and document work status.

The Clermont County Department of Public Safety, employed by the Miami Township Board of Trustees, is responsible for the day-to-day administration and security of the MDC system. Those responsibilities include:

- Monitoring of the System
- Installation and Removal of Software Products
- Installation and Removal of Hardware Peripherals
- Help Desk Operations
- System Security & Access

The Clermont County Department of Public Safety establishes access and issues password and login information to permit user access. Unauthorized introduction of software program or other files or the manipulation or alteration of current software running on the MDC is blocked via administrative rights access.

Miami Township Police Department in-house reporting software ‘Interbadge’ is installed on the MDC system. The Miami Township Police Department establishes access and issues password and login information to permit user access. Manipulation and alteration of this software is blocked via administrative rights access.

Training in MDC use is provided by Field Training Officers to new users upon their successful completion of the LEADS/NCIC certification test. Only certified LEADS/NCIC operators may be authorized to operate the MDC. Supervisors and FTO shall ensure that officers that are not certified for LEADS/NCIC access do not use the MDC equipment.

Use of the MDC is strictly limited to law enforcement related duties. MDC users accessing the LEADS/NCIC network via the MDC must adhere to established restrictions on use and dissemination of LEADS/NCIC information. Officers should not acknowledge the existence or non-existence of criminal records, traffic records, or any other information derived from the MDC to any person, group or organization, other than to another law enforcement officer.

Any transmission or reception (messaging, announcements, talk functions) via the MDC is considered to be a public record, subject to review or subpoena by the general public. The use of the MDC to transmit personal messages or personal email, or any other non-work-related text is strictly prohibited, and shall be grounds for disciplinary action. Supervisors with the Miami Township Police department may check, inspect, and evaluate any information, message or email sent or received by any Miami Township Police Department MDC user at any time.

The MDC is not to be used while the vehicle is in motion. Operators will stop and park the vehicle in a safe area prior to use.

Persons sitting in the patrol vehicle (passengers & prisoners) may be able to view data displayed on the MDC screen. Care must be taken to ensure law enforcement sensitive material and that non-law enforcement personnel do not view any LEADS/NCIC data. Officers shall give this security need special attention anytime a prisoner or observer is present in the police vehicle. When away from the MDC, operators will close the computer screen and lock the vehicle to secure the MDC.

Officers assigned to road patrol duties or special/selective enforcement grant funded opportunities will log onto the MDC before assuming an in-service status and logout just prior to the end of tour. This prohibits other persons from using your account for messaging or acquiring information. Officers assigned to other duties should log onto the MDC anytime that they expect to be in the patrol car for more than a few minutes. Officers will not operate an MDC assigned to another employee without consent of the Officer logged into the MDC.

If an officer loses their MDC password, he/she will notify the Clermont County Department of Public Safety (DPS) as soon as practical. Officers will leave a call back number and location so that a new password may be assigned. Passwords will not be issued via pagers or by third parties.

#### [Use of Mobile Data Computer](#)

All traffic stops will be voice transmitted to the channel one dispatcher (Dispatch 1) for entry into the CAD system. After the dispatcher has entered the basic information into CAD system, the data will appear on the MDC in an “on scene” status. Officers may not use the MDC to call out on a traffic stop (to report a traffic stop). Officers may check “In Service” from a traffic stop via the MDC after adding a disposition to the stop.

After providing a license plate to the communications center, the dispatcher will check for wants/warrants and carry concealed license permits through LEADS and NCIC. If a hit is generated, the information will be voice transmitted by the dispatchers. Other information regarding the criminal/traffic history will be directed to the MDC for review. Clermont County Communication Center dispatchers set an alarm timer for all traffic stops, to alert the dispatchers to perform radio checks.

Officers receive all priority 1, 2, and 3 calls for service by voice transmission on channel 1, as well as delivered to the MDC. Upon receiving the call on the MDC, Officers will select the call given, mark the unit enroute to the call, and mark on the scene when they

arrive. Immediately after the call has been completed, the call will be closed and a disposition entered on the MDC.

Officers acting as back up unit(s) on a call for service or other activity also receive the information transmitted to the primary unit. Back up units must clear their “back up” status by using the available button on the MDC.

Low priority calls may be given directly to the MDC, and not by voice transmission. Examples include: returning phone messages, contacting another law enforcement agency, phoning headquarters, etc.

When entering data and or case summaries as well as reports for the Records Management System (RMS), Officers should check the spelling and accuracy of information. All levels of the criminal justice system, the news media and the public may review the information in the RMS. Reports will be reviewed for completeness and accuracy by supervisory staff.

Officers receiving a “hit” on a person, vehicle or article must notify the Clermont County Communication Center who will confirm the entry with the entering agency via LEADS, according to LEADS/NCIC policy and procedure. Officers will not take immediate action based solely on an MDC hit.

#### *Maintenance & Care of Mobile Data Computer*

Officers are to keep the screen clean by using a soft cloth and using only accepted liquids for cleaning purposes. The screens are touch sensitive and subject to damage if abused. Drinks and other items that may damage the MDC are to be kept at a safe distance. Keeping the screen down and locked when not in use will prevent sun damage to the display and protect the keyboard. Magnetic objects or equipment that may generate an electro-magnetic field should be kept away from the MDC.

Operators will check the functionality of the MDC and screen before leaving on patrol or any assignment where an MDC equipped unit is deployed. Any failures and or damage will be reported to the on-duty supervisor as soon as possible.

Officers are responsible for proper care and use of the assigned MDC and may be held administratively and/or financially responsible in the event of negligent loss or damage of the MDC.

Problems with an MDC unit or repair needs shall be reported to the Support Services Supervisor.

### **41.3.8 Body-Worn and In-Car Audio & Video Systems**

#### *Purpose and Organization Philosophy Regarding Use*

The use of body-worn audio/video recording devices (BWC) and in car cameras (ICC) in the operational police environment provides a potentially valuable resource for law enforcement agencies in the delivery of services. BWC’s and ICC’s allow for accurate

documentation of police and public contacts, criminal investigations and critical incidents. They are useful while gathering evidence, showing probable cause, documenting contact with offenders and the arrest, release and transportation of an offender.

Audio and Video recording systems also serve to enhance the accuracy of officer's reports and testimony in court. Additionally, information collected through this technology can be useful during the investigation of complaints against employees.

#### *Requirements and Restrictions for Activation and Deactivation*

BWC and ICC equipment is issued primarily to uniformed personnel as authorized by this agency. Officers who are assigned BWC and ICC equipment must use the equipment while uniformed in a marked patrol vehicle unless otherwise authorized by supervisory personnel. Police personnel shall only use audio/video recording systems issued by our department and will only use the equipment in conjunction with official law enforcement duties. This policy does not govern the use of surreptitious recording devices used during undercover operations.

Officers shall activate the BWC and ICC systems to record ALL contacts with citizens in the performance of official duties upon receiving a call for service or engaging in official duty. The BWC and ICC system shall remain activated until the event is completed in order to ensure the integrity of the recording. During any call for service audio may be muted for discussion/briefs regarding tactics or strategies. When an officer activates the BWC or ICC he/she will also turn off the AM/FM radio inside the police patrol vehicle. BWC and ICC recordings are not a replacement for written reports

Officer safety and public safety take precedence over recording of events. Under extenuating circumstances, utilization of the BWC and ICC systems may not be possible; example: ambush, assault on a police officer, compromising the tactical advantage of the police.

Officers are not required to inform citizens they are recording an event and will not cease recording in the event the citizen requests it. Citizens shall not be allowed to review recordings at the scene.

If an officer fails to activate the BWC or ICC, fails to record the entire contact or interrupts the recording, the officer shall document why a recording was not made, was interrupted or was terminated. This documentation shall be included on the report supplement.

The BWC or ICC equipment shall not be used to record:

- Communications with other police personnel without the permission of the Chief of Police;
- Encounters with undercover officers or confidential informants;
- When on break or otherwise engaged in personal activities; or

- In any location where individuals have a reasonable expectation of privacy, such as a restroom or locker room *unless* the event is in the performance of official duties and it occurs in these locations;
- Inside an officer's home or residence, unless they are summoned there for a law enforcement purpose.

### Traffic Stop Information

When conducting a traffic stop officers should use optimum lighting at night whenever possible. Low beam headlights and takedown lights shall be used at a minimum. The spotlight should be directed at the area where the suspect is to be interviewed or given a field sobriety test. High beam headlights shall only be used when needed for officer safety. Overhead emergency pursuit lights and/or emergency flashers shall remain on for safety.

The officers' vehicle should be positioned approximately two car lengths behind the suspects' vehicle, in order to create a proper viewing area for interviews and for conducting field sobriety testing. If two car lengths are not possible, the officer shall adjust the camera angle to compensate for the shorter distance. Correct positioning of the camera will be done prior to exiting the patrol vehicle unless safety dictates otherwise.

Field sobriety tests/interviews should be done at the right rear of the suspect vehicle in full view of the video camera. If possible, field sobriety tests should not be conducted directly between the two vehicles. Standing between the suspect vehicle and patrol car can place the officer and suspect in a dangerous position if another vehicle crashes into the patrol car. The suspect should perform the field sobriety tests facing the patrol car with the officer standing at a forty-five-degree angle to watch the suspect and any occupants inside the suspect vehicle.

Officers shall try to keep the suspect in view of the camera if possible and consistent with the safety the conditions at the scene permit. When a suspect is placed in the patrol vehicle and/or when an officer transports a suspect from the scene, the ICC rear facing camera will be activated.

### School Resource Officer Information

School Resource Officers (SRO) will use BWC equipment pursuant to department policy when conducting official law enforcement duties, such as an arrest or involvement in a disturbance, and not during the ordinary course of the school day. Upon request, and if not otherwise prohibited by law, the Miami Township Police Department will provide the Milford Exempted Village School District with copies of SRO BWC recordings. Such copies will be maintained by the District as confidential student records pursuant to the Family Educational Rights and Privacy Act.

The regular use of a body worn camera as part of the School Resource Officers equipment is a law enforcement record that will be maintained and accessed according to

police department policy. The District and the Miami Township Police Department will confer and coordinate regarding requests for release of records that may implicate an exemption to Ohio public records law or federal and state student confidentiality laws prior to releasing the requested records to ensure compliance with all state and federal laws and regulations. A record that may constitute an infrastructure record of the school district is exempt from public records release as outlined in R.C. 149.433(B)(2). Miami Township Police Department will not release such records pursuant to a public records request.

Future state law enactments or state or federal case law may alter the status of BWC recordings made by SRO's in public schools, and if so, any such enactments or rulings will supersede this order upon their effective date.

### *Criminal and Administrative Use of Camera Captured Data*

The BWC and ICC equipment and all data, images, video and mega data captured, recorded or otherwise produced by the equipment is the sole property of the agency and are maintained on the evidence.com cloud storage site. Members of the department may not copy, publish, share or disseminate any audio, video, image or data to anyone except as authorized by the department. Furthermore, members of the department may not edit, delete or alter any video or audio captured by the BWC or stored on the department's network or approved storage media without the written authorization and approval of the Chief or his/her designee. The requirement for written authorization does not apply in the case of a request for recordings originating from Prosecutor's Office employees or other law enforcement agencies as part of a court proceeding or an official investigation.

It is recognized that a use of force which results in the serious injury or death of a suspect may have an element of the investigation which could be handled by outside criminal justice agencies (i.e. Prosecutor's Office, Grand Jury Investigation), and this could be construed as a criminal investigation.

- An officer may review recordings as part of any casework or use of force investigation, to assist them with the completion of an accurate report.
- If a critical incident or use of force investigation involves serious injury or death of a suspect, the recording will first be viewed with the Investigations Lieutenant or the Chief's designee.
- Officers are restricted from viewing recordings in the event that criminal wrongdoing is overt and obvious.
- If an officer is suspected of wrongdoing which may result in criminal prosecution, the department reserves the right to limit or restrict an officer from viewing a video file.

Requests for deletion of portions of the recordings (i.e., in the event of a personal recording) must be submitted in writing and approved by the Chief or his/her designee in

accordance with state record retention laws. All requests and final decisions shall be kept on file.

Officers are encouraged to inform their supervisor of any recordings that may be of value for training purposes or civil litigation.

#### *Data Storage and Retention Requirements*

All files shall be securely downloaded periodically and no later than the end of each shift. Each file shall contain information related to the date, BWC and ICC identifier and assigned officer. Routine recordings will be retained for a period of 90 days unless otherwise designated.

Files should be securely stored in accordance with state records retention laws and no longer than useful for purposes of training or for use in an investigation or prosecution. In capital punishment prosecutions, recordings shall be kept until the offender is no longer under the control of a criminal justice agency.

An officer may request that a BWC or ICC recording be archived and retained beyond the prescribed retention period. BWC and ICC recordings will be considered for archival if the recording is required for a criminal investigation/prosecution, internal investigation, pending civilian complaint, pending disciplinary matter or other circumstance deemed appropriate by the Chief of Police or his/her designee.

Biometric Searches: Stored video and audio from BWC shall not be used to create a database or pool of mugshots, for fillers in photo arrays, or searched using facial recognition software. This does not prohibit the agency from using recognition software to analyze the recording of an incident when the reasonable suspicion exists that a specific suspect or person in need of assistance may be a subject of a recording.

#### *Equipment Maintenance and Inspection Procedures*

BWC and ICC equipment is the responsibility of individual officers and will be used with reasonable care to ensure proper functioning. Officer will wear all supplied components of the BWC and ICC systems and ensure that it is properly positioned to record all events. Officers shall inspect and test the BWC and ICC prior to each shift in order to verify proper functioning.

Equipment malfunctions, damage, or a unit being unaccounted for shall be brought to the attention of the officer's supervisor as soon as possible. Supervisors shall conduct an immediate investigation when notified and make written documentation of their findings as well as action taken.

#### *Training Requirements for Users and Supervisors*

Police personnel who are assigned BWC and ICC equipment must complete an agency approved and/or provided training program to ensure proper use and operations. Training

shall include a documented review of policy. Additional training may be required at periodic intervals to ensure the continued effective use and operation of the equipment and to incorporate changes, updates or other revisions in policy and equipment.

Newly hired personnel and personnel newly appointed to any supervisory capacity shall have documented training during field training. The documentation shall be made on the appropriate Field Training Task sign off sheet.

#### [Requirements for Documented Review of Camera Captured Data](#)

At least bimonthly, the supervisor will randomly review fifteen minutes of each of the assigned officer's BWC and ICC 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. This review shall be documented in Guardian Tracking.

### **41.3.9 License Plate Recognition Systems**

#### [Guidelines for Use](#)

The Automatic License Plate Recognition (ALPR) consists of fixed cameras mounted on the light bar of selected marked vehicles, a USB cable located inside the passenger compartment and a program icon located on the ALRP terminal screen.

Any hits received through the ALPR including stolen vehicles, delinquent citations, or wants must be confirmed through dispatch, before enforcement action is taken. Officers shall also check the registration through LEADS before taking any enforcement action on a hit.

#### [ALPR Returns](#)

- Officers should notify the dispatcher via their radio prior to taking any action.
- Operators must confirm the plate by visually checking the actual plate against the captured image.
- After confirming the plate and the status of a wanted return, the operator may take enforcement action.
- After enforcement action is taken, a disposition should be entered into the ALPR system closing the incident.

#### [Data Security and Access](#)

ALPR terminals shall not:

- Be used by persons other than trained members of this department. No member shall knowingly allow unauthorized access to Agency networks, systems or software. Passwords and access codes are to be protected from disclosure, distribution or viewing by unauthorized persons.

- Be stored in personal vehicles (point to point transport is allowed).
- Be connected to any device which allows connection to the 'Internet' without express written permission from the Chief of Police.
- Be charged or powered by an AC or DC Power supply/source which is not provided or approved by the Department.
- Be installed with any software executable program (whether it is licensed, shareware or freeware) without express written permission by the Department.
- Be installed with any executable 'screensaver' that has not been approved through the Department.
- Contain a 'desktop image' which depicts imagery deemed unofficial or inappropriate for public view. Desktop images other than the default one must have written approval from the Department.
- Have the systems configurations changed in any way.
- Have set passwords changed, bypassed, or used for access to system configurations of the system that are not normally meant for user access. No additional passwords may be created or encryption software installed which would prevent access or inspection to data files or systems within the ALPR system.
- Have any ALPR system designated 'audible alarm' or have 'tone' settings disabled, muted, turned off or otherwise tampered with.
- Be internally modified, upgraded or tampered with (changes or removal of RAM, Hard Drives, CD ROM Drives, Chipsets, Modems, or any other similar components) without express written permission by the Department.
- Be externally modified or tampered with consisting of modifications to hinges, latches, handles, lids, keypads and Department applied 'Property Number' decals and sticker which are to remain attached to the ALPR system and readable.
- Use the ALPR terminal to violate any security, privacy or confidentiality policies, or practices of the Department of Laws of the State of Ohio. The duplication, use or storage of any software that violates copyright provisions, violates license agreements or conflicts with existing network or application software is unauthorized.
- Be transferred or reassigned to another member without said reassignment being coordinated through the Patrol Division Supervisor.

### *Operator Training*

No officer shall use the LPR equipment unless trained in use of the system.

### System Inspection & Activation

- Inspect the mounted cameras and USB Cable for damage.
- Power up the system by logging on to the ALPR terminal and clicking the ALPR icon located on the touch screen. Log in and select (Begin-Shift).

### System Shut Down

- Touch (End-Shift) which will download the captured information during the tour of duty.

- Log out of the system and verify the system is shut down before turning off the MDC.

### General Responsibilities

- ALPR terminals are intended to be used in conjunction with voice radio communications and are not intended to replace voice radio communications.
- Safe operation of the patrol vehicle is paramount. During solo (one officer only) patrol, common sense and safe driving practices dictate that the officer will focus his/her attention on safe operation of the vehicle and view the ALPR terminal screen only when the vehicle is not in motion.
- Information displayed on the ALPR terminal screen is confidential and caution shall be taken to ensure that unauthorized personnel do not view it.
- ALPR terminals should be in the 'VIDEO OFF' mode when a vehicle is temporarily vacant.

ALPR terminals shall be inspected by the user at the beginning of each tour of duty, while completing regular vehicle equipment checks. Any problems or damage shall be immediately documented and reported to a supervisor, who will forward the information through the chain of command to the Investigations Supervisor. The vehicle operator at the start of the tour shall be held responsible for any damage to ALPR terminal that is not immediately reported to a supervisor.

ALPR's shall be properly secured and protected from damage and theft. Terminals are not to be subjected to deliberate shaking, dropping, sliding, and excessive heat (such as caused by being stored in vehicle trunks). LCD Screens and Touch pads shall be protected from sharp objects that might cause damage. Use of touch pad stylus is permitted.

ALPR's are to be properly kept clean and free from: adhesives, stickers, ink, stains, liquids and debris (surface cleaning with a soft 'water only' damp cloth – no cleaning solutions). Food and beverage items shall not be placed on top of Terminal lids or keyboards. Crumbs, dust and debris shall be blown from or dusted from keypads. Sticky keys shall be reported and repaired by the radio technician.

### Data Storage and Retention

License Plate Recognition System data storage and retention is the responsibility of the City of Cincinnati.

**DIRECTIVE 42.1  
CRIMINAL INVESTIGATION  
ADMINISTRATION**

<b>Issue Date: 03/30/2020</b>	<b>By Order of Chief of Police</b>
<b>Rescinds: (Issue 06/13/2019)</b>	<b>CALEA Standards</b>
<b>Pages: 5</b>	<b>Referenced: 42.1.1; 42.1.2; 42.1.3; 42.1.4 &amp; 42.1.5</b>

**This directive consists of the following sections:**

- [42.1.1 On-Call Schedule](#)
- [42.1.2 Case Screening System](#)
- [42.1.3 Case File Management](#)
- [42.1.4 Accountability, Preliminary/Follow-Up Investigations](#)
- [42.1.5 Habitual / Serious Offenders - N/A by 20%](#)

**POLICY AND PROCEDURE:**

It is the policy of the Miami Township Police Department to maintain a criminal and intelligence investigative function that is available to respond, when needed, to conduct efficient, effective and thorough investigations into incidents requiring specific expertise or equipment, as well as incidents requiring extensive time and effort to investigate. It is further the policy of the Miami Township Police Department to set specific accountability for preliminary and follow-up investigations and to utilize a specific case screening process to determine which cases will be assigned for follow-up investigations, as well as, a specific process for assisting in the internal case management process.

The Chief of Police shall make all appointments to the Investigations Division. The Investigations Supervisor may recommend appointments based on the posted criteria and the selection process established. All Investigative Division positions are rotating positions. The duration of the assignment is addressed in Directive 11.5.1. Officers, while assigned to Criminal Investigation function, are patrol officers who receive a 2.5% increase over patrol officer pay rate in accordance with Collective Bargaining Agreement Article 15, Section 15.6.

**[42.1.1 On-Call Schedule](#)**

The Investigations Supervisor shall provide a call out schedule for Detectives to be utilized should personnel be needed when no personnel are on duty. The schedule shall be provided to police employees and the Clermont County Communications Center via email. Detectives assigned to call out duty shall be readily available and fit for duty.

Should the on-call Detective fail to respond to a call in, the shift supervisor shall contact the Investigations Supervisor. Should the Investigations Supervisor be unavailable, the shift supervisor shall contact the Patrol Division Supervisor for direction.

#### 42.1.2 Case Screening System

The Investigations Supervisor shall be responsible for the case screening system. A copy of all criminal offense reports taken shall be given to the Investigations Supervisor. Upon receipt of an offense report, the Investigations Supervisor may assign the case to a patrol officer, community relations/crime prevention officer, school resource officer or a detective for follow-up investigation.

The Investigations Supervisor shall utilize solvability factors in determining investigative efforts. These include:

- Can a suspect be named?
- Can a suspect be identified?
- Can a suspect be described?
- Can a suspect be located?
- Can a suspect vehicle be identified and/or located?
- Was there significant physical evidence present?
- Is property taken in the offense traceable?
- Is there a significant modus operandi?
- Was there likely a limited opportunity to commit the crime?
- Is there forensic/laboratory processing of evidence to be completed?
- Is there reason to believe that further investigative effort will lead to the closure of the crime?

When a case has been assigned and one or more solvability factors exist, the case will be investigated until which time the investigation indicates that the case should be reclassified. Investigative efforts on a case may be suspended and the case reclassified when any of the following occurs:

- Case Cleared by Arrest – When an offender is arrested, charged with a pertinent offense and measures have been taken to recover all property for which the location is known.
- Case Cleared by Referral/Mediation – Mediation allows both parties a chance to state their side of an incident and attempt to resolve the matter without going to court.
- Case Cleared Unfounded – Whenever investigation shows that an offense did not occur and there are sufficiently reasonable grounds to support this premise.
- Case Closed Inactive – When at the point when it appears as if all investigative leads have been exhausted and there is little or no chance of solving the case.
- Case Cleared by Other Means – Whenever, due to exigent circumstances beyond the investigators control, the identity of the perpetrator is known but prosecution

is not possible. Examples of other means clearances include; suicide of the offender, offender in another jurisdictions custody and extradition is denied or victim refuses to cooperate/prosecution declined. In order to qualify for an exceptional means clearance, the answer to all four of the following questions must be a Yes.

- Has the investigation established the identity of the offender?
- Is there enough evidence to support an arrest, charge and turning over to the court for prosecution?
- Do you know the exact location of the offender so you could remand him/her into custody now?
- Is there some reason outside police control stops you from arresting, charging and prosecuting the offender?

### **42.1.3 Case File Management**

#### **Case Status Control System**

The Investigations Supervisor shall be responsible for the management of the criminal case management system. The Investigations Supervisor shall maintain a computerized case status control system that includes:

- Case Number
- Victim/Business Name & District of Occurrence
- Offense
- Date Assigned
- Officer Assigned
- Review Date
- Status
- Priority of Investigation (High, Medium or Low)

#### **Administrative Designators**

Each criminal case shall be designated in one of the following categories, depending on the status of the case or investigation.

- Open Case – The case is not solved and is actively being investigated.
- Closed Case – The case has been solved or has been concluded and cleared as unfounded, by arrest or by exceptional means as defined in UCR guidelines.
- Inactive Case – The case has been investigated and a determination made that there appears no further means by which progress could be made on the case, or that any progress that might be made would be of little significance, compared to the investigative time spent to achieve productive results. Inactive cases will be reopened when additional or new information or evidence is obtained which may lead to the closure of the case or as directed by the Investigations Supervisor.

Open cases assigned for investigation shall be updated with a supplemental written report no less than once every fifteen days. The written report shall address the progress of the investigation and any request for a case status change, if needed. The case status change request shall be documented with proper substantive information justifying the case status change and must be approved by the Investigations Supervisor. It is the responsibility of the case investigator to inform the victim/complainant of any change in the status of a case.

#### *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 that area in a file cabinet. Upon final disposition of a case, the investigating officer shall forward the case file to the records section where it shall be filed.

#### *Accessibility to the Files*

Access to the general investigative files is open to all employees of the department, excluding intelligence files, internal investigation records, property logs and confidential informant files.

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.

#### *Procedures for Purging the 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 Miami Township Records Retention and Disposition schedule.

#### **42.1.4 Accountability, Preliminary & Follow-Up Investigations**

The preliminary investigation of all criminal cases shall be the responsibility of the officer who prepares the initial criminal offense report. In circumstances where the crime may be of a serious or complex nature, or there is an indication that an immediate lengthy investigation may lead outside the department's jurisdictional boundaries, the preliminary investigation may be conducted by personnel assigned to the Investigations Division. In the event of the following incidents, the Investigations Supervisor shall be notified by the on-duty supervisor to make that determination.

- Homicide or Suicide;
- Unexplained death, absent obvious causes;
- Suspicious death case taken by the Coroner;

- Child under 12 missing more than one hour after notification has been made to police.
- Rape or Abduction;
- Officer Involved Shooting;
- Death of any Person in Agency Custody;
- Felonious Assault;
- Armed Robbery;
- Breaking and Entering with Property Loss greater than \$5000.00.
- In any situation where investigative personnel could better accomplish the task or bring about a quicker conclusion the shift supervisor may contact the Investigations Supervisor and request the call out of a Detective.

Criminal cases assigned for follow up investigation by the Investigations Supervisor are the responsibility of the officer assigned.

#### **42.1.5 Habitual / Serious Offenders – Elected 20%**

Miami Township Police Department has elected this as a 20% Standard for Habitual/Serious Offenders.

**DIRECTIVE 42.2  
CRIMINAL INVESTIGATION  
OPERATIONS**

<b>Issue Date: 03/30/2020</b>	<b>By Order of Chief of Police</b>
<b>Rescinds: (Issue 08/28/2015)</b>	<b>CALEA Standards Referenced: 42.2.1; 42.2.2; 42.2.3; 42.2.4; 42.2.5; 42.2.6; 42.2.7; 42.2.8; 42.2.9 &amp; 42.2.10</b>
<b>Pages: 17</b>	

**This directive consists of the following sections:**

- 42.2.1 Preliminary Investigation Steps**
- 42.2.2 Follow Up Investigation Steps**
- 42.2.3 Communication With Patrol Personnel**
- 42.2.4 Investigative Task Forces**
- 42.2.5 Deception Detection Examinations**
- 42.2.6 Informants**
- 42.2.7 Cold Cases - N/A By 20%**
- 42.2.8 Interview Rooms**
- 42.2.9 Line-Ups**
- 42.2.10 Show-Ups**
- ADDENDUM A – Homicide Protocol**

**POLICY AND PROCEDURE:**

It is the policy of the Miami Township Police Department to utilize specific procedures designed to ensure that preliminary and follow up investigations are conducted in an efficient and effective manner. It is further the policy of the department to ensure that proper investigative resources are available to assist officers when conducting criminal investigations and those resources are properly managed and meet minimum standards.

**42.2.1 Preliminary Investigation Steps**

*Observing All Conditions, Events & 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.

#### *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.

#### *Maintaining and Protecting the Crime Scene & 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. The collection and preservation of evidence shall be in accordance with department Directive 83.2.

The Miami Township Police Department provides a checklist to aid in criminal investigations. The checklist is an aid in ensuring that critical areas of investigation are not overlooked. This checklist is intended to supply those officers given the responsibility of investigations, guidelines to assure that the basic investigative standards are met. The crime scene checklist is not required for all investigations; however, the list should be utilized in cases where a scene perimeter is set or any other time that an investigating officer determines it should be used.

#### *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 state and federal laws.

#### **42.2.2 Follow Up Investigation Steps**

Follow up investigations are utilized to gather additional information or evidence to clear a case, identify and arrest an offender and/or to recover stolen property. The following follow up investigative steps should be used in the event they are found to be necessary.

- Review and analyze all previous reports prepared in the preliminary phase, departmental records and results from laboratory examinations.
- Conduct additional interviews and interrogations.
- Seek additional information from uniformed officers, informants, etc.
- Plan, organize, conduct searches and collect physical evidence.
- Identify and apprehend suspects.
- Determine involvement of suspect in other crimes.
- Check suspects criminal histories.
- Prepare cases for court presentation.

All offense reports assigned for investigation shall require a second contact with the complainant/victim or any other listed principle within fifteen days of the date of the offense report. This second contact shall be used to ascertain if the complainant/victim can provide any new or additional information that may provide the case investigator with additional leads in the case. This second contact shall also be utilized by the case investigator to determine if the department may further assist a victim of a criminal offense by providing additional information or assistance pursuant to victim/witness procedures.

#### **42.2.3 Communication With Patrol Personnel**

All Detective section personnel shall no less than monthly attend a shift briefing. The attendance at a shift briefing by Detectives shall be utilized to provide for the exchange of information.

All Detective section personnel shall attend a shift briefing call when such shift briefing is utilized to impact in-service training material. The training officer shall be responsible to notify the Investigation Supervisor of such training. It is the responsibility of the Investigation Supervisor to ensure that all Detectives attend such shift briefing training.

The patrol shift supervisor shall note on the shift activity report, the attendance of Detectives at a shift briefing.

#### 42.2.4 Investigative Task Forces

When it becomes necessary to utilize a task force approach in the investigation of a criminal offense(s) the following guidelines shall be adhered to by the Department:

- The purpose of the task force will be clearly defined.
- A written standard operating procedure shall be adopted and adhered to. The written procedure shall define the authority and responsibilities of the participating members.
- The Miami Township Chief of Police or his designee shall be briefed no less than quarterly on the progress of the task force.

#### Purpose

The Miami Township Police Department may participate in the Clermont County Multi-Jurisdictional Narcotics Task Force known as the Clermont County Drug Unit.

The purpose for the task force shall be for detecting and controlling distribution of illegal narcotics trafficking within Clermont County.

#### Supervision

The Clermont County Sheriff shall appoint a Task Force Coordinator (Project Director) with advice from the participating agencies, also known as the Control Group. The Coordinator will be responsible for assigning the responsibilities of the participating members. Any Miami Township officer assigned to the Task Force will be operating as a sworn Clermont County Sheriff's Deputy, therefore, following their department policies and procedures.

Any participating member/employee of the Miami Township Police Department shall be accountable to the Miami Township Police Department for their time and to the task force for all funds.

#### Staffing, Equipment, and Resource Requirements

Participating agencies shall make known to the Project Director the resources they have available to include manpower, funds and equipment.

#### Identification Procedures for Participants

Detectives assigned to the task force shall be issued articles of clothing identifying themselves as a member of that task force or law enforcement. These may include, but are not limited to, shirts, jackets and/or headwear. This identifying clothing shall be worn by any investigator assigned to the task force when engaging in any task force activity during which they will likely come into contact with uniformed or SWAT. If no such

clothing is issued by the task force, Miami Township Police Department Detectives shall wear similar items issued by the Department and identifying them as a police officer.

#### *Evaluating Results and Need for Continued Operations*

The Miami Township Chief of Police or his designee will be briefed no less than quarterly on the progress of the task force.

#### **42.2.5 Deception Detection Examinations**

Prior to the use of a polygraph or other technical aid for the detection of deception requiring an outside vendor, the investigating officer must have approval of the Investigations Supervisor.

When such technical aids are utilized, the department shall use only operators/examiners that have received specific training and/or are certified in the operation of such equipment.

#### **42.2.6 Informants**

##### *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 information Registration sheet. When the confidential informant is assigned a code name or number, the information shall be available only to the Investigations Supervisor, the Investigating Officer and the Officer registering the informant.

##### *Contents of the Informant Files*

Confidential informant files shall contain:

- A picture and/or fingerprints of the confidential informant.
- Prior arrest record/criminal activity, if any.
- Personal History.
- Addresses, Prior and Present.
- Aliases.
- A log of information gained and its reliability.
- Names, dates and disposition on arrests made through the utilization of the informant's information.
- An accurate record of money paid to the confidential information with appropriate documentation.
- Code name or number, if applicable.

### *Maintenance and Security of Informant Files*

The Investigations Supervisor shall be responsible for the maintenance and security of the confidential informant master file. The Investigations Supervisor shall be responsible for updating the confidential informant file as well as, maintaining the file in a locked cabinet.

### *Methods to Protect the Identity of Informants and Safety*

When the confidential informant is assigned a code name or number, the information shall be available only to the Investigations Supervisor, the Investigating Officer and the Officer registering the informant.

### *Criteria for Paying Informants*

Officers utilizing monies for payment to a confidential informant shall complete an Informant Pay Voucher and have the confidential informant place an inked impression of their right thumb on the face of the receipt.

Payment to persons other than the registered confidential informant require the person to which payment is made to provide the officer making such payment with a social security number which shall be verified by the officer prior to payment. This process shall be witnessed by one additional officer who shall also sign the voucher.

### *Precautions to be Taken with Informants*

Officers shall use caution when dealing with informants to include the following:

- Keeping accurate records of all monetary transactions, information and meetings.
- Letting another officer know of your intention to meet with your informant.
- Keeping control of the location of the meetings.
- Maintaining all contacts on a business level.

### *Precautions to be Taken with Juvenile Informants*

No juvenile informants will be utilized without the approval of the juveniles' parent and or guardian. Whenever an officer has personal contact with a juvenile informant of the opposite sex, the officer will have another officer present.

### **42.2.7 Cold Cases – Elected 20%**

Miami Township Police Department has elected this as a 20% Standard for Cold Cases.

### 42.2.8 Interview Rooms

The Miami Township Police Department has a written directive governing procedure for both uniformed and non-uniformed personnel utilizing designated rooms for interviews and interrogation.

Designated rooms include upper & lower level interview rooms. The intent of this directive is to establish safe conditions for the various situations that may be encountered when conducting interviews or interrogations. Occasionally, however, serious conditions unexpectedly develop such as apparently cooperative suspect becoming combative. The Miami Township Police Department intends to provide clear direction for the use of interview rooms to ensure safety and the admissibility of any statement made therein.

#### *Weapons Control*

Officers do not need to secure any weapons when conducting interviews/interrogations in a designated interview room. If an officer believes that the situation requires it, weapons can be secured in a gun locker.

#### *Security Concerns*

Uniformed and non-uniformed personnel shall ensure that all suspects being interviewed/interrogated are supervised at all times.

Suspects will be searched prior to entry into an interview room. Suspects that pose a threat to themselves or others will be restrained as soon as practical and transferred to a facility to better handle their situation.

A visual security inspection of the interview room shall be made prior to its use and immediately afterward.

#### *Number of Personnel Allowed in Interview Room*

Under normal circumstances, no more than two sworn personnel will be present during an interview/interrogation. More personnel may be allowed under exceptional circumstances such as a physical confrontation.

#### *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.

### *Equipment or Items to be Kept in the Interview Room*

Interview rooms will contain items necessary to conduct an interview, generally table, chairs, office supplies, report forms and phone. The interview rooms include audio-visual monitoring equipment.

### *Access to Restrooms, Water or Comfort Breaks*

Suspects will only be interviewed for a reasonable amount of time with a break to use the restroom or get a drink of water. All those being interviewed will be provided access to water, restrooms and other needs that may arise.

### **42.2.9 Line-Ups**

The intent of this directive is to establish reliable identification testimony by a witness. The following factors have been found by the courts to be relevant in identification testimony, namely:

- The witness' opportunity to view the criminal during the crime.
- The length of time between the crime and subsequent identification.
- The level of certainty demonstrated by the witness at the identification.
- The accuracy of the witness' prior description of the suspect.
- The witness' degree of attention during the crime.

In addition, the confidence level of the witness should be evaluated in terms of the witness' statement, conduct or other relevant observations.

The use of an identification procedure may be unnecessary under the following conditions:

- When the witness knows the identity of the suspect before the offense occurred or learned the suspect's identity without police assistance after the offense. A single photograph of the suspect named by the witness may be shown to the witness for confirmation that the person named is the perpetrator, or a photo lineup can be performed to establish additional probable cause.
- When the witness would be unable to recognize the suspect of the offense, such as when a suspect's face is completely covered during the commission of the crime.

### Definitions

Photo Array Lineup – An identification procedure in which a group of photographs are displayed simultaneously and presented to the witness.

Sequential Lineup – An identification procedure in which lineup photographs are displayed one by one (sequentially).

Blind Administrator – The officer administering the lineup does not know the identity of the suspect or knows the identity but does not know which lineup member the eyewitness is looking at during the viewing.

Confidence Statements – A statement in the witness' own words, articulating their level of confidence in the identification.

Fillers – Non-suspect photographs.

### *Composition of Lineup*

Photo Array Lineups and Sequential Lineups will only be conducted when a specific suspect is developed by the officer involved in the investigation. Random suspect photograph lineups are not permitted. In photo array lineups, the suspect's photograph will be shown with at least five other subject photographs. In Sequential Lineups, witnesses should not be told how many photographs will be shown. The showing of a single photograph for identification purposes is prohibited. Photographs shall be of similar characteristics, i.e. hair color, length, facial hair, age, etc. Either all color or black and white photographs shall be used.

When showing a new suspect, avoid reusing the same fillers in lineups shown to the same witness.

Miami Township does not administer physical lineups. If a physical lineup is required, it shall be administered by the Clermont County Sheriff's Office.

### *Using Video & Audio Recording*

Identification procedures shall be video taped or audio taped whenever practical.

### *Situations Where More Than One Eyewitness is Available*

Each witness shall be given instructions regarding the identification procedures without other witnesses' present.

Each witness shall view the lineup separately and independently. Under no circumstances shall multiple witnesses participate in these processes together, in the presence of each other or within ear shot of each other.

The suspect will be placed in a different position of the lineup for each witness.

### *Instructing Witnesses Prior to Viewing Lineup*

The Photo Array Lineup instructions form and the Sequential Lineup instructions form will be used and completed during the administration of all such investigations and secured with the officer's case file.

### *Identifying Level of Confidence of Witness*

If the witness identifies a person as the perpetrator, the eyewitness shall not be provided any information concerning such person before the administrator obtains the written witness confidence statement about the selection. The completed witness confidence statement shall be completed immediately following the identification and secured with the officer's case file.

### *Prohibiting Feedback by the Administrator*

Officers must not, by word or gesture, suggest opinions to any witness concerning the guilt or innocence of a suspect in any identification procedure. Witnesses making inquiries about an officer's opinion shall be informed of this restriction.

A blind administrator is the preferred administrator for both Photo Array Lineups and Sequential Lineups. However, because there is a greater risk that an administrator may convey unintentional cues during sequential presentations, sequential presentations should only be used if the identification procedure is being conducted by an independent blind administrator. If a blind administrator is not available, a Photo Array Lineup is necessary.

If it is not practical to have a blind administrator, the administrator must state the reason in writing. Those listed reasons will be considered by the trial court judge in determining the admissibility of the eyewitness identification. If deemed admissible, failure to comply will be admitted to the jury to consider the credibility of the identification.

The administrator of each lineup must record all the following:

- All identification or non-identification results, including confidence statements by the eyewitnesses and the results of any subsequent viewings.
- The names of all people present.
- The date and time of the lineup.
- Eyewitness identification of any of the individuals in the lineup.
- Names of the lineup members and the source of the photographs or people in the lineup.

### *Documenting Lineup and Results*

Identification instruction forms will be used during the administration of all Photo Array and Sequential Lineups. These forms will include the Witness Confidence Statement documenting all details of the lineup. These forms shall be signed and secured with the officer's case file.

### 42.2.10 Show-Ups

Show Ups and/or Field Identification is an identification procedure involving showing a single suspect within a short time following the commission of a crime to an eyewitness and asking them to identify or reject the suspect as the actual perpetrator.

The intent of this directive is to establish reliable identification testimony by a witness. Show Ups and/or Field Identifications carry a dangerous degree of improper suggestiveness and should not be used absent compelling reasons for not using a photographic lineup. The following factors have been found by the courts to be relevant in identification testimony, namely:

- The witness' opportunity to view the criminal during the crime.
- The length of time between the crime and subsequent identification.
- The level of certainty demonstrated by the witness at the identification.
- The accuracy of the witness' prior description of the suspect.
- The witness' degree of attention during the crime.

Nothing in these guidelines prohibit the common procedure of transporting a witness in a patrol car to cruise the general area in which a crime has occurred in hopes of spotting the perpetrator and arranging a show up or field identification procedure.

#### *Compelling Reasons Under Which a Show Up Eyewitness Identification May Occur*

An officer may arrange a show up or field identification between a witness and a suspect whenever a potential suspect is located and detained within a reasonable length of time, in proximity to the location of the crime and fits the specific description of the perpetrator given by the witness; when a lineup cannot be promptly arranged and when there is an immediate need to arrest the suspect.

If an officer has reasonable suspicion to detain a suspect under the above circumstances, the officer may use such force as is reasonably necessary to stop the suspect from leaving, or to cause the suspect to remain in the officer's presence. If probable cause to arrest develops during the detention, an arrest should be made.

No person has a right to have a lawyer present at any show up or field identification.

#### *Manner of Transportation to the Show Up*

If the suspect is being held at a location other than the police station, the witness shall be transported to the location where the suspect is being detained by a police detective or police supervisor. Suspects should not be transported to the witness' location unless exigent circumstances exist.

### *Situations Where More than One Eyewitness is Available*

Show Ups and/or Field Identification should not be conducted with more than one witness present at a time. If there is more than one witness, the show up must be conducted separately for each witness and witnesses should not be permitted to communicate before or after any show up regarding the identification of the suspect. The same suspect should not be presented to the same witness more than once.

If there are multiple suspects, these suspects shall be separated and subjected to separate show ups and/or field identifications.

If a positive identification is made, the other individuals who witnessed the crime should be shown a Photo Array Lineup or a Sequential Lineup.

### *Instructions to Witnesses Prior to Viewing Show Up*

Identification procedures shall be video taped or audio taped whenever practical.

If possible, do not show the suspect handcuffed or in the back seat of a patrol car. If the suspect is handcuffed, take measure to conceal this fact from the witness when possible. Suspects may not be required to put on clothing worn by the perpetrator. However, they may be required to speak words uttered by the perpetrator or perform other actions of the perpetrator. Advise the witness that the person detained may or may not be the perpetrator and the witness should not feel compelled to make an identification. If the witness makes identification, do not confirm or corroborate the identification.

The Show Up and Field Identification instructions shall be completed during the administration of all such investigations and secured with the officer's case file.

### *Identifying the Level of Confidence Expressed by the Witness*

If the witness identifies a person as the perpetrator, the eyewitness shall not be provided any information concerning such person before the administrator obtains the written witness confidence statement about the selection. The completed witness confidence statement shall be completed immediately following the identification and secured with the officer's case file.

If the detained suspect is not identified by a witness as the perpetrator and officers lack any other probable cause for an arrest, the suspect should be released after obtaining basic information.

### *Prohibiting Feedback by the Administrator*

Officers must not, by word or gesture, suggest opinions to any witness concerning the guilt or innocence of a suspect in any identification procedure. Witnesses making inquiries about an officer's opinion shall be informed of this restriction.

### Documenting Show Up and Field Identification Results

Identification instruction forms will be used during the administration of all Show Up and Field Identifications. This form will include the Witness Confidence Statement documenting all details of the identification. These forms shall be signed and secured with the officer's case file.

### ADDENDUM A – HOMICIDE PROTOCOL

#### Initial Response

- Arrive on scene, clear the scene and secure with crime scene tape.
  - An inner perimeter and outer perimeter should be established. One sworn uniformed officer should be posted outside the inner perimeter with a crime scene log.
  - Anyone who steps beyond the tape will be logged onto the personnel log. Road patrol officer will remain on scene until released by the supervisor at the scene.
  - Notifications: Investigations Supervisor will inform Chief
  - Non-sworn personnel should not be permitted inside the outer perimeter. No persons except, the crime scene processing officers, should enter the actual scene until the team finishes processing it.
  - Make sure integrity of the crime scene is not compromised by any person(s). Update all Investigators on information gathered to keep them informed and involved.
  - Locate and identify witnesses/suspects present at the crime scene. Separate and secure those witnesses/suspects. You might consider transporting them to Miami Township Police Department for interview/interrogation.
  - If applicable, stop vehicles passing by the crime scene and interview subjects inside them. A brief contact would be sufficient include the subjects name, address, phone number and registration of vehicle. Ascertain if these people may have witnessed any suspicious behavior or they themselves raise suspicion.
  - Send out necessary teletype information to adjacent jurisdictions regarding vehicle information, suspect information or victim information and request broadcasts are made.
  
- Designate a media staging area and assign an officer to manage the area until the public information officer (PIO) arrives.
  - Chief or Designee will be responsible for all public relations releases to the public or media. Media releases are limited to basic information for ONGOING investigation. Be cautious not to release pertinent information that may be known only to the assailant or others directly involved with the homicide.
  
- Identify a Lead Investigator. The Lead Investigator is responsible for maintaining the case file, overall investigation coordination, and subsequent prosecution.

- No person has access to the case file unless they sign it in or out for chain of custody purposes.
- Secure Search Warrant for crime scene.
  - Work in conjunction with the Coroner's Investigator and the Coroner to make sure the scene is not compromised.

### Crime Scene

- Crime Scene Technician is responsible for processing the scene and its contents. The scene will be processed, photographed and all evidence pertinent to the investigation will be collected.
  - This will include a videotaping of the entire scene, both interior and exterior, prior to processing it.
  - All evidence is to be photographed in chronological order utilizing evidence placards. All evidence, once it has been photographed, will be sealed, at the scene, prior to transporting it. Officers are reminded to bag each item separately and change gloves between each collection.
  - Collect any discarded items located within the ditch lines of the victim's residence, found in close proximity to the victim or the crime scene itself. These items may seem insignificant, however, could be potentially evidentiary in nature.
  - A grid search shall be completed, of the crime scene, by personnel designated by the Supervisor on the scene. Depending on scene, the search will be conducted working your way from the victim out and back or initiating search away from the victim and working your way back to the victim. Utilize all personnel for grid search to include fire department, if necessary. Conduct a search at night, if necessary, to keep any evidence from being destroyed.
  - Any hair found at the scene needs collected and processed for DNA to include mitochondria DNA.
  - If a vehicle is involved in the offense, process it properly to include vacuuming, luminal, fingerprinting or fuming the contents of it. Also, if blood is found, remove carpet and send it to the crime lab for testing (DNA, typing, male, female gender). Does the vehicle have navigational systems and will a separate search warrant be needed to access the records?
  - Utilize Total Station and complete a 3D image/drawing of the crime scene utilizing computer software.
  - Contact outside Law Enforcement Agency for assistance with crime scene processing techniques not utilized by Investigations Unit.
    - FBI Evidence Response Team 513-421-4310
    - BCI Evidence Response Team 937-605-6096 Bryan White
    - Clermont County Narcotics Unit (CCNU) for manpower assistance.
- Assign investigator(s) to interview all victims and witnesses at the scene.
  - Create a list of questions for consistency with all interviewees
- Assign an investigator to complete a neighborhood canvass of the area.

- Include documentation of all persons spoken to, addresses, phone numbers, cell phone numbers and workplaces and work phone numbers. Canvass the adjoining or adjacent parks or apartment complexes to include dumpsters for any possible evidence.
- Check for any existing cameras, which may be in the area. If victim is found in close proximity to a business, check with business for cameras. Also, check with residents during canvass to determine if any have surveillance cameras located on the exterior or interior of their home which may have recorded evidence.
- Responsible for speaking with all Postal Service, school bus drivers, Rumpke garbage personnel, newspaper delivery drivers, Duke personnel etc. if applicable.

*Victim:*

- If victim is found at a different location, from original crime scene, execute a search warrant to retrieve the remains so to alleviate any motions in court referencing fruit of the poisonous tree doctrine.
- Execute search warrants at victim's residence, if necessary, to obtain valuable or pertinent information regarding the investigation.
- Check the victim's phone to ascertain if redial is present. If so, complete this task when applicable.
- When a proper autopsy is completed, by a competent forensic pathologist, send one investigator to the it.
- Entomology may be useful if insects are located on the victim, this could help determine location of death if victim was moved by identifying the type of insect found on or within the victim's cavities.
- Cell phone records should include any text messaging, e-mails, memos, cell tower information - days leading up to and including the day the homicide was discovered, etc. Ensure preservation letters are sent to Cellular phone companies.
- Seize computer evidence, if applicable.
- Consider issuing subpoenas for financial records, if applicable.
- Check with road patrol personnel and determine if they have any prior contacts with victim or victim's friends/relatives etc. Search Interbadge for prior contacts.
- Notify school personnel, if victim is a juvenile, reference setting up grief counselors for students and staff. If the victim is employed at large company, consider similar notification.

*Known Suspect / Persons of Interest:*

- Seize clothing from suspect, consider seizing clothing from persons of interest or witnesses present during offense.
- Video and audio taped interview, if possible.
- Contact any parole or probation personnel who may be helpful with the investigation.
- Execute search warrants on suspect's residence, cars, computers, etc. looking for evidentiary items of value.

- Cell phone records should include any text messaging, e-mails, memos, cell tower information - days leading up to and including the day the homicide was discovered, etc. Ensure preservation letters are sent to Cellular phone companies.
- Seize computer evidence, if applicable.
- Consider issuing subpoenas for financial records, if applicable.

*Unknown Suspect:*

- Contact outside (Cincinnati Police Department) agency for a composite of a suspect, if necessary.
- Canine utilization, the bloodhound when applicable and patrol K9 units when appropriate.
- Utilize Clermont/Hamilton Counties Dive Team, when applicable.
- Contact any parole or probation personnel who may be helpful to the investigation.
- Check field interrogation reports (FIR), incident reports, priors etc. Look in Report Management System (RMS) regarding any suspicious subjects in the area, within the last month.
- Contact Ohio State Highway Patrol to determine who they've issued citations to prior to the Homicide, within close proximity to the crime scene, include written warnings etc.
- Contact Clermont County Narcotics Unit (CCNU) for assistance, if applicable, during the investigation reference informants and drug activity in the area. Ascertain if any Intel may be available reference known associates of the victim, is there a need for surveillance or leads/follow-up CCNU can assist with.
- Check with road patrol personnel and determine if they have had any prior contacts with victim or victim's friends/relatives etc. Search Interbadge for prior contacts.
- Contact Fusion Center for assistance with photo of unknown suspect, facial recognition possibilities.

*General Investigation:*

- Assign Investigators tasks, all to meet back at a central location and designated time to discuss findings. Follow-up with any leads or areas of concerns from this meeting.
- Interview witnesses, suspects, defendants, at the police department, and videotape their interviews. If videotaping the interview is not possible, be certain to audio tape all them.
- Search all known vehicles through the license plate reader (LPR) - victims, suspects, witnesses and family members.
- Check all pawn shops, if property is found to be missing from the victim's residence.
- Check for all registered sex offenders who reside in the area.
- Use global positioning system (GPS) devices/search warrant on automobiles when necessary.

- Contact Children's Protective Services, Domestic Relation Court, Juvenile Court and Municipal Court to determine if they have had any previous contacts with the address or the occupants residing at the residence. Research the Clermont County Auditor's office to determine ownership of properties.
- Polygraph exams, when applicable.
- Obtain tax maps or flyover photographs of the scene, which are current. This may be useful in determining if property lay out is accurate or current/previous owner's information etc.
- Complete a thorough background check on victim to include Equifax, financial records, arrest records, rental car agreements, safety deposit box, life insurance policies, auto tracker through Maglocen. Run TLO searches on all parties involved.
- Check all phone records of victim(s) and suspects. Send preservation letters to cellular phone companies of all parties involved.
- Contact school resource officers to determine if they have any information pertinent to the investigation (i.e. kids talking about something at school which may be helpful) Have SRO access Raven 911 for possible Twitter information at the time of the incident
- Communications with Immigration and Customs Enforcement (ICE) from initial stages, if victim or suspect is identified as an illegal.
- Secure 911 tape of incident to include all documented pieces of material which may include potential witnesses to the offense
- Case preparation with Prosecutor's Office

**DIRECTIVE 43.1**  
**VICE, DRUGS AND ORGANIZED CRIME**  
**ADMINISTRATION AND OPERATIONS**

<b>Issue Date: 05/12/2020</b>	<b>By Order of Chief of Police</b>
<b>Rescinds: (Issue 08/27/2015)</b>	<b>CALEA Standards</b>
<b>Pages: 9</b>	<b>Referenced: 43.1.1; 43.1.2; 43.1.3; 43.1.4 &amp; 43.1.5</b>

**This directive consists of the following sections:**

- [\*\*43.1.1 Complaint Management\*\*](#)
- [\*\*43.1.2 Records, Storage and Security\*\*](#)
- [\*\*43.1.3 Confidential Funds\*\*](#)
- [\*\*43.1.4 Equipment, Authorization and Control\*\*](#)
- [\*\*43.1.5 Covert Operations\*\*](#)

**POLICY AND PROCEDURE:**

It is the policy of the Miami Township Police Department to maintain a criminal investigative function that includes investigation of vice, drug and organized crime activities. While it is the policy of the Miami Township Police Department to fix specific functional accountability for such investigative activities to the Detective section, every employee shares responsibility for suppressing all forms of vice, drug and organized crime. The department will actively seek the assistance of the community and its citizens in finding methods to support enforcement efforts and suppress all forms of vice, drug and organized crime.

**[43.1.1 Complaint Management](#)**

*[Procedures for Receiving and Processing Complaints](#)*

The Chief of Police will designate a person to maintain and oversee the intelligence operations. The designee will coordinate, administer, and direct department activities concerning Vice Control, Drug Enforcement and Organized Crime Control.

When an employee receives information of vice, drug or organized crime activity, they will record such information on an Intelligence Information Form. The employee will forward the intelligence information form to the Detective Supervisor for review. The Detective Supervisor will review the information and determine if the information should be assigned for immediate investigation or filed as intelligence information. It shall be the responsibility of the Detective Supervisor to ensure a prompt investigation is conducted. Should the information be deemed as intelligence, it will be analyzed, classified, and maintained as indicated in this directive.

In order to evaluate the accuracy and credibility of the initial information, determine the scope and relative importance of the problem, and establish the framework for an investigation, the following questions should be considered in determining which offenses are investigated:

- Is the information credible?
- What is the criminal nature of the problem and do we have jurisdiction?
- How important and what is the scope of the problem?
- What information is available to conduct the investigation?
- What investigative techniques are to be utilized?
- Does this agency have sufficient resources to conduct the investigation?
- What possible operational problems exist or may arise?

Upon evaluation of the information, it is determined that investigative action is necessary and this agency is able to conduct an adequate investigation, the Detective Supervisor shall proceed with the investigation utilizing department investigative procedures specified in this directive, 43.1.5.

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 be determined to warrant only classification as intelligence information, and it is determined that this department would be unable to conduct an appropriate investigation into the incident should sufficient information be developed to conduct an investigation, the Detective Supervisor shall contact an appropriate enforcement agency and convey to such agency the information obtained.

When such information indicates a criminal trend or criminal activity and such information should be disseminated to line officers for their safety or other need to know reason, the Detective Supervisor shall prepare a memo and forward such information to all supervisors indicating the information to be dispersed.

#### [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, it is determined that investigative action is necessary and this agency is able to conduct an adequate investigation, the Detective Supervisor shall assign a 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. Should the

intelligence report be classified as a permanent intelligence file, a temporary intelligence file or a working file, the information shall be purged following the guidelines established for purging Intelligence Files [Directive 40.2.3].

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. Dissemination of information shall be made in accordance with [Directive 40.2.3].

#### *Maintaining a Record of Information Conveyed & Received to 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 be determined to warrant only classification as intelligence information, and it is determined that this department would be unable to conduct an appropriate investigation into the incident should sufficient information be developed 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.

#### *Procedures for Advising the Chief of Police of Activities*

A written report shall be submitted quarterly 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.

#### **43.1.2 Records, Storage and Security**

All intelligence information shall be maintained in a secured file under the control of the Chief's Designee. Intelligence information collected during the investigation shall be maintained in a secured file under the control of the person designated to oversee the intelligence files. Active investigations shall be maintained under the control of the case investigator. Upon completion of the investigation and adjudication the file shall be forwarded to the records section for filing. Such information shall be purged following the guidelines established for purging Intelligence Files [Directive 40.2.3].

### 43.1.3 Confidential Funds

Special investigative funds shall be available to support the vice, drug and organized crime activities.

#### Special Investigative Funds

The Miami Township Police Department does maintain a Special Investigative Fund. Distribution of Special Investigative Funds may only be made with the approval of the Chief of Police or the Special Investigation Funds Agent and then only in accordance with this policy.

- The information from an informant has a direct bearing on the seizure of illicit drugs and or controlled substances or the seizure of stolen property.
- Information from an informant leads directly to the apprehension of a fugitive or persons being sought by this or any other department.
- The information to be obtained has a direct bearing on the arrest and or prosecution of a felony or misdemeanor case or information that leads to an arrest or prosecution which clears multiple criminal acts.
- To help fund and conceal the identity of undercover officers during covert operations.

#### Special Investigative Funds Account

The Special Investigative Fund account shall be maintained by the Township Fiscal Officer in accordance with applicable law.

The Special Investigations Fund Agent shall maintain a department account of SIF monies not to exceed three thousand dollars (\$3,000.00). The department account shall be restored to the maximum amount whenever the department account is reduced to five hundred dollars (\$500.00) or less.

The Chief of Police shall requisition additional monies from the Township Fiscal Office as needed to maintain the department account, upon advisement by the Special Investigations Fund Agent of the need to restore the account to its authorized level.

An entry shall be made into the accounting ledger and a receipt issued upon receiving monies into the fund from any source. The Special Investigations Fund Agent may receive monies into the department SIF account.

The Special Investigations Fund Agent shall maintain the departmental records and receipts for all departmental transactions involving SIF monies. An account ledger shall be maintained showing the initial balance, credits, debits and the cash amount on hand.

### Distribution of Special Investigative Fund Monies

Disbursement for investigative purposes shall only be made after approval by the Special Investigations Fund Agent or the Chief of Police. Disbursements in an amount of one thousand dollars (\$1,000.00) or more require approval of the Chief of Police.

The Officer receiving the monies shall obtain a receipt upon receiving such monies. An entry will be made by the Special Investigations Agent into the accounting ledger of the disbursement transaction. The accounting ledger shall contain the date of the distribution, the reason for the distribution, the amount of the distribution and department case number of the offense for which the monies are being used (if applicable). Distributions to confidential informants shall include the informants Department Confidential Informant Registry Number.

Should the monies be used for multiple purchases of drugs or articles, a voucher completed by the officer making the purchase shall be made of each individual disbursement from the original total amount. The voucher shall be returned to a person authorized to receive SIF monies and an entry of the transaction made into the fund accounting ledger.

Should the officer be using the monies for payment to a confidential informant, the officer shall complete a voucher and have the confidential informant place an inked impression of their right thumb on the face of the receipt.

Payment to persons other than the registered confidential informants require the person to which payment is made to provide the officer making such payment with a social security number which shall be verified by the officer prior to payment of any monies. All such transactions require the payment to be witnessed by one additional officer who shall also sign the voucher.

The Township Fiscal Officer or a person designated by the Township Fiscal Officer shall audit the Special Investigative Fund quarterly and a written report shall be submitted to the Chief of Police.

#### **43.1.4 Equipment, Authorization and Control**

The use of surveillance/undercover equipment shall only be authorized by a sworn supervisor. Prior to the authorization for use of such equipment the authorizing supervisor shall review the circumstances that require the use of such equipment.

It shall be the responsibility of the authorizing supervisor to ensure that the surveillance/undercover equipment is acquired and distributed to the proper individuals. The authorizing supervisor shall be responsible to account for the proper operation and return of such equipment.

Department surveillance/undercover equipment shall be issued only by signature on a

sign out sheet indicating what equipment is being issued. The equipment will be signed in upon its return indicating the item and date of return. Additionally, any problems with, damage to, or repairs necessary, shall be documented on the sign in sheet.

The officer(s) utilizing such equipment shall be responsible for the use and care of such equipment while in their custody.

#### **43.1.5 Covert Operations**

The Miami Township Police Department has the necessary resources to conduct short-term limited covert operations. Covert Operations shall be conducted only with the approval of a sworn supervisor and upon coordination with the Detective Supervisor.

#### **Surveillance Operations**

The Detective Supervisor will be responsible for coordinating and planning organized crime and vice control surveillance. Guidelines for planning operations shall include:

- Crimes and victims will be analyzed to determine the nature and scope of personnel, equipment and activities required to safely and effectively conduct the operation.
- Probable offenders and their habits, associates, vehicles, methods of operation, or any other pertinent information, that will affect the manner of surveillance and potential prosecution will be identified and analyzed.
- Officers involved in the surveillance operation will be familiarized with the neighborhood or target area.
- Operational procedures will be determined for observation, arrests, and "tails" to ensure the continuity between the planning and the conduct of the surveillance operation.
- Required expense funds will be afforded to officers.
- Means for routine and emergency communication will be established.
- Equipment and/or vehicles appropriate for the operation will be provided. This will include weapons and surveillance equipment.
- If needed, a plan shall be prepared for the relief of officers, should the surveillance continue over an extended period of time.
- Prior to the operation, the Clermont County Prosecutors Office may be consulted to determine the legal ramifications of the surveillance.
- Surveillance, undercover, and decoy operations may be affected singularly or simultaneously during the investigation of organized crime, vice or other criminal offenses.
- The Detective Supervisor shall notify the communications center and the patrol supervisor of the nature and location of the operation prior to implementation, as circumstances dictate.

## Undercover Operations

Undercover operations shall be planned in accordance with the department guidelines established in this section. The guidelines include:

- All suspects that are a target or become the target of the undercover operation will be identified and analyzed. This identification and analysis will include a determination of their criminal history, known associates, weapons proficiency, and any other available background information that would be important for members conducting the operation to be aware of.
- Contact will be made with the suspects when determined appropriate and necessary, when all necessary and reasonable precautions are taken.
- The neighborhood or target area where officers will work will be analyzed and surveyed prior to infiltration to determine and identify hazardous and potentially dangerous areas. Locations for surveillance points will also be identified.
- Officers involved in the operation will be provided with false identity as necessary.
- The confidentiality of officers' false identity will be maintained in the following manner:
  - Only officers involved in the operation will have the information, in addition to the Chief of Police and the Detective Supervisor.
  - Copies of the credentials provided to the officers will be kept in a locked file in the office of the Chief's designee in charge of intelligence.
- Officers involved in the operations will be provided necessary funds.
- Officers involved in the operation will be provided necessary equipment to include, vehicle, weapons, communications equipment and surveillance equipment. When and wherever possible, video equipment and cameras will be used to record the undercover operation.
- Means for routine and emergency communications will be established. This will be determined on a case-by-case basis.
- Prior to the operation, a meeting with the prosecutor's office may be scheduled to determine the legal ramifications of the operation.
- Depending on the purpose of the undercover operation, arrests will be made when all the legal requirements to substantiate a legal arrest have been met. Arrests will depend upon the purpose of the undercover operation.
- No arrest is to be made without the assistance of another officer, unless exigent circumstances exist which would warrant such action.
- Officers involved in undercover operations will be closely supervised by the Detective Supervisor.

## Decoy Operations

Decoy operations will be planned in accordance with the guidelines established in this section. Victims, crimes and crime locations will be analyzed with the assistance of

Intelligence information to determine the modus operandi of the perpetrators. When appropriate, officers will disguise themselves to resemble victims. A determination will be made based on the analysis of the situation deploying an adequate number of backup officers for security and protection. Operational procedures for each operation will be developed to determine appropriate locations for observation and arrest. Other guidelines include:

The prosecutor may be consulted as needed to determine the legal ramifications.

Communications may be established through the use of body mikes, radios, and/or recording devices. Whenever practical, cameras and or recording devices will be used to record the decoy operation.

Participating personnel will be identified beforehand with a complete description of their vehicles and clothing provided to all involved personnel.

The shift supervisor will be advised about the operation and location so appropriate support is available.

### Raid Operations

Raids will be conducted in accordance with the guidelines established in this section. The guidelines are:

Authorization for a raid must be obtained from the Chief or Detective Supervisor.

A sworn supervisor is responsible for supervising and coordinating any raid.

Strategies and tactics for approaching, entering, securing, and leaving the target of the raid will be developed prior to the raid. These strategies and tactics shall consider officer safety in determining manpower needed.

When conducting raids and search warrants, non-uniformed personnel will be required to wear readily identified apparel (i.e., hats, jackets) so that their identity will be known to uniformed officers. Deviation from this rule may be granted by the supervisor in charge of the operation.

Uniformed officers will be utilized and when possible, be the first officer in view when the subjects of the raid are made aware of the operation.

A search for any evidence that is a target of the raid will be thorough and systematic. Evidence and contraband will only be seized in accordance with the law and according to the department guidelines.

Appropriate equipment to successfully and safely complete the raid will be issued, including, weapons, vehicles, communication and audio and visual monitoring equipment and undercover or decoy supplies.

As necessary, specialized support units may be utilized. Appropriate communications will be established and maintained with any support units.

Suspects arrested will be transported to the Miami Township Police Department or the Clermont County Jail to be processed. If necessary, arrangements will be made for detaining and processing arrested subjects at the scene if mass arrests are anticipated.

The use of forcible entry will be determined prior to the commencement of the operation. Forcible entry will be utilized when necessary, if efforts to gain entry without the use of force have failed. The use of force in confronting suspects will be in accordance with department procedures.

If medical assistance is required, officers will utilize the emergency medical services of the Miami Township Fire Service. If warranted, emergency medical services personnel shall be placed on standby.

Documentation of all activities associated with the raid will be required. This documentation should be in the form of offense reports where violations of law are observed or arrests are made. Appropriate supplemental reports shall be prepared by any officer involved in the operation.

Prior to the commencement of any raid, a briefing session shall be conducted to acquaint all personnel involved in the raid with the particulars of the raid operation. A debriefing session may be held at the conclusion of a raid.

**DIRECTIVE 44.1**  
**JUVENILE ADMINISTRATION**

<b>Issue Date: 05/12/2020</b>	<b>By Order of Chief of Police</b>
<b>Rescinds: (Issue 08/27/2015)</b>	<b>CALEA Standards</b>
<b>Pages: 3</b>	<b>Referenced: 44.1.1; 44.1.2 &amp; 44.1.3</b>

**This directive consists of the following sections:**

- [\*\*44.1.1 Juvenile Operations Policy\*\*](#)
- [\*\*44.1.2 Policy Input, Others\*\*](#)
- [\*\*44.1.3 Annual Program Review\*\*](#)

**POLICY AND PROCEDURE:**

It is the policy of the Miami Township Police Department to maintain a juvenile function that is committed to developing and perpetuating programs designed to prevent and control juvenile delinquency as well as developing and maintaining a positive relationship between juveniles and the police. It shall be the responsibility of all members of the Miami Township Police Department to participate in or support the department's juvenile operations function and programs.

**[44.1.1 Juvenile Operations Policy](#)**

The Miami Township Police Department is committed to the development and perpetuation of programs designed to prevent and control juvenile delinquency and to divert juveniles from the Juvenile Court System where possible.

The department shall refer juveniles to the Clermont County Juvenile Court, other criminal justice agencies, public social service agencies and/or private social service agencies within the parameters of the Juvenile Justice System in order to divert non-serious and/or social problems from the formal justice system. This will assist in solving individual, family and community problems using community and regional resources.

Enforcement of laws with respect to juveniles is a major objective. However, the Miami Township Police Department also recognizes the need for and is committed to participating in activities and designing programs geared toward preventing and controlling juvenile delinquency. The Miami Township Police Department is committed to the development, implementation and perpetuation of programs designed to:

- Protect Children from Abuse and Neglect.
- Prevent and Control Juvenile Delinquency.

- Divert Juveniles from the Juvenile Court System where possible.

In an effort to solve individual, family and community problems, the Miami Township Police Department will utilize a variety of community and regional resources. The department will refer juveniles to the Clermont County Juvenile Court and other criminal justice agencies when deemed appropriate and necessary based on the circumstances of a particular incident. When appropriate, the department will make referral to public and/or private social service agencies within the parameters of the Juvenile Court in order to divert non-serious and/or social problems from the formal justice system.

All personnel of the Miami Township Police Department share in the responsibility or participating in and supporting the juvenile operations function of the department. The Support Services Supervisor or designee will be responsible for the day to day, juvenile related activities, including, but not limited to:

- Reviewing, assigning, managing and coordinating juvenile investigations.
- Filing of juvenile charges and other records with the Juvenile Court.
- Follow-up of juvenile arrests.
- Follow-up of adult arrests related to juvenile victims of crime.
- Serving as counsel or resource person to other components within the department regarding follow-up investigation of juvenile crime and coordination and preparations of juvenile court cases.
- Diverting juvenile offenders out of the juvenile justice system when appropriate.
- Designing and implementing programs intended to prevent and control delinquent and criminal behavior by youths.

All officers and employees will be alert to any situation that could result in potential dangers or problems for juveniles and to take appropriate action so as to remedy the problem. Employees shall be watchful of the physical and mental welfare of children. Additionally, personnel are responsible for having a basic knowledge of the philosophy and procedures of the Clermont County Juvenile Justice System and a working knowledge of the Ohio Revised Code as it related to juveniles.

Each officer, upon dealing with a juvenile offender, is to take the following action when appropriate:

- Prepare all necessary reports and forms necessary to process youth arrests.
- When possible, conduct all follow-up to bring the case to a successful conclusion.
- Make notification to the Support Services Supervisor of any serious offenses committed by a juvenile.

#### **44.1.2 Policy Input, Others**

The Support Services Supervisor or designee shall act as a liaison between the department and other elements of the juvenile justice system to ensure that the department's policy, procedures and directives are consistent with other juvenile justice system components.

Procedural recommendations from other juvenile justice system components are encouraged and shall be forwarded to the Chief of Police for review.

#### **44.1.3 Annual Program Review**

No less than annually, the Support Services Supervisor or designee shall review all enforcement and preventive programs relating to juveniles. The written evaluation will consider both the quantitative and qualitative elements of each program. A recommendation will then be made to the Chief of Police, based upon the review, as to the individual programs and whether the programs should be retained as is, be modified or be discontinued. Additionally, new programs may be submitted for consideration by the Chief of Police.

## DIRECTIVE 44.2 JUVENILE OPERATIONS

<b>Issue Date: 05/12/2020</b>	<b>By Order of Chief of Police</b>
<b>Rescinds: (Issue 06/13/2012)</b>	<b>CALEA Standards</b>
<b>Pages: 5</b>	<b>Referenced: 44.2.1; 44.2.2; 44.2.3; 44.2.4 &amp; 44.2.5</b>

**This directive consists of the following sections:**

- 44.2.1 Handling Offenders**
- 44.2.2 Procedures for Custody**
- 44.2.3 Custodial Interrogation and Interviews**
- 44.2.4 School Services Program**
- 44.2.5 Community Youth Programs**

### **POLICY AND PROCEDURE:**

It is the policy of the Miami Township Police Department to utilize a variety of available tools, techniques, practices and procedures to address juvenile delinquency and other juvenile related problems within the community. Such tools, techniques, practices and procedures include, but are not limited to, using alternatives to the Juvenile Justice System, support of school liaison programs and community recreational programs and enforcement of juvenile related laws.

It is further the policy of the Miami Township Police Department to utilize established procedures that govern handling of juvenile offenders, taking juveniles into custody, interrogating juveniles, and otherwise handling juvenile complaints and activity.

#### **44.2.1 Handling Juvenile Offenders**

When dealing with a juvenile offender, all members of the department shall use the least coercive among reasonable alternatives, consistent with serving the public safety and obtaining compliance by the juvenile offender.

#### **Outright Release with no Further Action**

Juvenile offenders may be dealt with in the following ways:

- Release with an admonishment, warning or advice, with no further action.
- Outright release or release to a parent/guardian, informing such parental figure of the problem and solicitation of the parent/guardian in correcting the juveniles conduct.

- Referral to a social service agency or private practitioner for corrective treatment.

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 offender's 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 in such programs.

#### *Criteria and Procedures for Issuing Referrals, Citation or Summonses to Juvenile Offenders*

The criteria and procedures for issuing referrals, citations or summonses to juvenile offenders are:

- Referral to juvenile court for mediation or diversionary program.
- Summons and/or citation to juvenile court for official action by the court.

All alleged criminal and traffic misdemeanor juvenile offenders shall be summonsed based upon the following criteria:

- Age and circumstances of the alleged juvenile offender.
- The availability of the parent or legal guardian to take custody of the alleged juvenile offender.
- The nature of the alleged offense. Crimes against property versus crimes against persons.
- Alleged juvenile offenders' records, if applicable.
- Availability of detention space at the Juvenile Detention Center.

#### *Referral to Juvenile Court*

Referral of alleged juvenile offender to formal legal proceeding should be restricted to those cases involving serious criminal conduct or repeated criminal violations. In general, delinquent acts requiring referral to the juvenile justice system should include:

- Delinquent acts that, if committed by an adult, would be felonies.
- Delinquent acts involving weapons.
- Serious gang related acts.
- Delinquent acts involving ethnic intimidation.
- Delinquent acts committed by juveniles under probation or parole or by those with a pending case.

- Delinquent acts involving aggravated assaults.
- A repeat of a delinquent act or similar act, when the previous act occurred within the preceding twelve month period.
- When it has been determined that parental supervision is not effective, or the parent or guardian refused to voluntarily participate in acceptable measures.
- All alleged criminal and traffic felony offenders shall be taken into custody and transported to the Juvenile Detention Center for official custodial disposition.

#### **44.2.2 Procedures for Custody**

##### *Juvenile Status Offense*

An alleged juvenile offender who is to be charged only with a status offense shall be released to their parent or guardian unless a court order exists detailing some other action, or such other circumstances exist which would preclude their release to such person. An officer choosing not to release a juvenile under this section to a parent or guardian, shall do so only after consulting with their shift supervisor and a representative of Clermont County Children’s Services and/or Juvenile Court.

##### *Juvenile Allegations of Harm or in Harm’s Way*

At the time that a juvenile is taken into custody, the officer doing so shall make a determination as to whether or not the juvenile has been harmed or is in danger of harm.

##### *Constitutional Rights*

The officer who has taken a juvenile into custody shall be responsible to ensure that the juvenile offender is notified of their rights and that their constitutional rights are protected.

- ORC 2151.022 Unruly Child Defined
- ORC 2151.31 Juvenile Apprehension, Custody and Detention
- ORC 2151.311 Juvenile Procedure Upon Apprehension
- ORC 2151.312 Juvenile Place of Detention
- ORC 2151.352 Juvenile Right to Counsel

##### *Juvenile Intake Procedures*

Juveniles taken into custody will be detained only until they can be released to their parents or guardians or until they can be transported to the Clermont County Juvenile Center or other court ordered location. They will be held separate from and outside the sight, touch and normal conversation range of non-law enforcement personnel or duly authorized officers of the court and shall be supervised at all times.

An alleged juvenile offender will be placed in detention only pursuant to ORC 2151.31C and 2151.312. The alleged juvenile offender will be taken to the detention facility without delay unless the juvenile is in need of medical treatment.

#### *Parental/Guardian Notification*

The officer who has taken a juvenile into custody shall be responsible to ensure that the juvenile's parent or guardian has been contacted.

### **44.2.3 Custodial Interrogation and Interviews**

#### *Conferring with Parents & Juveniles, Explaining Agency & Juvenile Justice Procedures*

Prior to conducting a custodial interview/interrogation, members of the Miami Township Police Department will make reasonable efforts to inform the juvenile's parent or guardian that the juvenile has been arrested. The officer who has taken a juvenile into custody shall explain to the juvenile and/or parents the department's and juvenile justice system procedures.

#### *Interrogation Limitations*

A juvenile offender shall be interviewed/interrogated no longer than the time actually required for necessary questioning in regard to the case under investigation.

At no time shall more than two officers be present during the interview/interrogation of a juvenile.

Officers will take into consideration the voluntariness of the juveniles' confession by being aware of the following factors related to the juvenile. The juveniles' age, intelligence, educational background, mental capacity, prior experience in the juvenile criminal system, whether the defendant is suffering from any injury or pain at the time the statement was obtained, the time of day, whether the juvenile is tired, length of interview, and familiarity with English and if not arrangements are made to address the language barrier.

Whenever a juvenile is interviewed/interrogated, the juveniles' parent or guardian shall be notified prior to the juveniles release or transfer from police custody.

Officers may conduct interviews/interrogations during school hours but must advise school administrators before doing so. When possible, officers should conduct interviews/interrogations at school during a time that does not interfere with the subjects academic class work.

Officers may conduct interviews/interrogations at the Clermont County Juvenile Detention Center. Prior to responding, the officer will telephone the on-duty supervisor at the center. The officer will inform the supervisor of the juvenile's name and the need

to interrogate the juvenile. The officer and detention center supervisor will then make reasonable arrangements for the officer to conduct the interrogation.

#### **44.2.4 School Liaison Program**

The School Resource Officers (SRO) and DARE Officer shall be responsible to act as liaisons between the department and the schools. The SRO/DARE officers shall within that capacity:

- Act as a resource with respect to delinquency prevention.
- Provide guidance on ethical issues in a classroom setting.
- Provide individual counseling and or mentoring to students.
- As part of the curriculum taught and as requested, provide instruction in the role of law enforcement in society.

All members of the department will make themselves available to the local schools as resources with respect to education and delinquency prevention.

#### **44.2.5 Recreational Youth Programs**

The Miami Township Parks and Recreation Department is responsible for organizing recreation programs in the community including programs specifically for youth in the community.

The Milford Exempted Village Schools District, the Loveland Schools District, the Goshen Local Schools District, the Clermont Northeastern Local Schools District and the Live Oaks Career Center may from time to time organize recreational activities for youth in the community.

The Miami Township Police Department will support and participate in the delivery of those programs as requested or suggested by the Recreation Department or the school districts.

The Miami Township Police Department will seek out opportunities to provide recreation to the youth in the community as situations may warrant.

# DIRECTIVE 45.1 CRIME PREVENTION

<b>Issue Date: 04/09/2020</b>	<b>By Order of Chief of Police</b>
<b>Rescinds: (Issue 09/10/2015)</b>	<b>CALEA Standards</b>
<b>Pages: 3</b>	<b>Referenced: 45.1.1; 45.1.2 &amp; 45.1.3</b>

**This directive consists of the following sections:**

[45.1.1 Crime Prevention Activities](#)

[45.1.2 Community Involvement and Organizing Community Groups](#)

[45.1.3 Prevention Input](#)

## **POLICY AND PROCEDURE:**

The Miami Township Police Department is committed to crime prevention and integrates the ideas found in various crime prevention strategies for building community relationships. The Support Services Division is assigned the functional responsibility for all crime prevention activities. It should be understood that all members and components of the Department are responsible for enhancing the quality of life of the community, implementing the tenets of the department's crime prevention strategies and for achieving Department crime prevention goals. The Department may use non-sworn personnel including citizen volunteers, senior citizens and youth, as assistants in this process.

Crime prevention duties consist of speaking to various groups on crime prevention methods, distributing crime prevention literature, staffing information booths, alerting victims on how best to avoid future victimization, developing crime prevention materials for use by the media and developing and maintaining liaison with community residential and business groups. The Department is committed to developing partnerships and resources within the community to build problem solving coalitions, to instill a sense of mutual responsibility for enhancing public safety and to increase the community's capacity to resolve issues related to crime and the fear of crime.

### **[45.1.1 Crime Prevention Activities](#)**

#### **[Targeting Programs by Crime Type and Geographical Data Based on Crime Data](#)**

Crime prevention programs are established and implemented after analysis of pertinent data which is completed by the Investigations Supervisor.

The CP/CR Officer shall also consider effectiveness of current crime prevention activities and the need for new or additional programs.

### *Targeting Programs to Address Community Perceptions or Misperceptions of Crime*

The Miami Township Police Department places an emphasis on crime prevention programs and encourages citizen participation in taking an active role in helping to reduce crime. The Department actively seeks to develop a relationship with the citizenry motivating them in a co-active role with the Department toward crime prevention.

Crime Prevention Programs of the Miami Township Police Department include:

- Business/Residential Security Checks – Conduct security surveys of residences and businesses in order to improve the security of those buildings.
- Neighborhood Watch Programs – Assist in the organization of neighborhood watch groups and maintain liaison with organized community crime prevention groups, as well as, any other interested community organization.
- Ongoing Partnerships with Community & Business Groups – Develop, implement and promote programs and presentations to inform community and business groups about methods to reduce the opportunity for crime occurrence.
- Crime Against Elderly – Meet with individuals, groups and elder care facilities to discuss safety tips and security measures specifically related to the problems of the elderly.
- Program Presentations on Requested Topics – Assist in the preparation and promotion of presentations and materials related to crime prevention, personal safety and other law enforcement issues for distribution to individuals, community groups and businesses. As necessary, these presentations and materials should address the community's perceptions or misperceptions of crime.
- Involvement at Community/Business Gatherings & Events – Set up booths and/or tables at community and business functions to inform citizens about the department and its crime prevention efforts.
- Distribution of Crime Prevention Materials – Distribution of crime prevention materials related to crime prevention, personal safety and other law enforcement issues. These include informative brochures, Night Eyes; Lock it or Lose It and Stop Thief vehicles hangers.
- Information Distribution via Media Sources – Release of information to the community on crime, safety and other issues relevant to Miami Township.

Miami Township seeks information through meetings, community and business contacts, a monthly survey of citizenry and a biennial survey of citizen concerns. Additionally, the Department shall issue media releases, crime prevention tips and information on current safety campaigns in the community.

The Department will be sensitive to community perceptions or misperceptions of crime and address those problems in the community and areas affected by the most effective means.

### [Documented Evaluation of Crime Prevention Programs](#)

The Support Services Supervisor is responsible for the evaluation of crime prevention programs. Crime prevention programs and activities are reviewed quarterly via Crime Prevention & Community Relations Reports. Biennially, a documented evaluation of crime prevention programs will be conducted by the Support Services Supervisor and submitted to the Chief of Police.

#### [45.1.2 Organized Prevention Groups](#)

Liaison and general contact by members of the Department with community and business groups are encouraged and are essential in maintaining an effective crime prevention program. Community and business groups may have diverse ideas and needs that may be incorporated into the crime prevention programs and may be of great interest and benefit to the Department.

Interested citizens and groups will be encouraged by members of the Department to contact the Support Services Supervisor and/or the Crime Prevention/Community Relations Officers upon request.

The Crime Prevention/Community Relations Officers will maintain communication with citizen and community groups by way of security surveys, neighborhood watch programs, ongoing partnerships, program presentations and involvement at community/business gatherings and events and media releases.

The Crime Prevention/Community Relations Officers shall actively participate in both local and state sponsored associations and groups such as the Ohio Crime Prevention Association.

#### [45.1.3 Prevention Input](#)

The Crime Prevention/Community Relations Officers will provide security recommendations upon request to any interested citizen or businessperson who is in the process of planning for or constructing a new building or an addition to an existing structure.

The Chief of Police will make appropriate crime prevention recommendations to the Planning Commission, Zoning Board and to any group considering revision of zoning policies, fire or building codes in the Township.

# DIRECTIVE 45.2 COMMUNITY INVOLVEMENT

<b>Issue Date: 04/09/2020</b>	<b>By Order of Chief of Police</b>
<b>Rescinds: (Issue 09/10/2015)</b>	<b>CALEA Standards</b>
<b>Pages: 3</b>	<b>Referenced: 45.2.1 &amp; 45.2.2</b>

**This directive consists of the following sections:**

[45.2.1 Community Involvement Process](#)

[45.2.2 Citizens Survey](#)

## **POLICY AND PROCEDURE:**

The Miami Township Police Department is committed to the establishment of close ties with the community it serves. The department will strive to promote and maintain positive communications between the department and the citizenry so as to be responsive to their needs and concerns.

### **[45.2.1 Community Input Process](#)**

The community relations function shall be the responsibility of the Support Services Supervisor. The Support Services Supervisor is vested with the authority and responsibility for developing and coordinating the department's community relations activities. To obtain these objectives the department's community relations plan includes provisions for the following:

- [Liaison With Community Organization & Community Groups](#) - The objective of the community relations program is to establish direct contact with the community through interaction with individuals, businesses, schools, community groups and civic and professional organizations. This interaction will promote open lines of communication through which the department can address current concerns and potential problems that impact both the police and the community. Further, these relationships shall provide the department with a means of providing information to and increasing the public's awareness of the role of police in the community. To establish these objectives, the department will establish liaison with existing community organizations and establish community groups where they are needed.
- [Development of Community Involvement Policies](#) - Input from the community can help ensure that agency policies reflect the needs of the community. The community involvement function shall assist in the development of community involvement policies for the department that reflect the department's objectives and input from the community. This may be accomplished by department service

surveys and by considering information collected from formal and informal meetings with elected officials, community leaders, community groups, school officials and other interested persons or groups.

- [Publicizing Agency Objectives, Community Problems and Successes](#) – The department shall publicize agency objectives, community problems and successes through the Township newsletter, website, Township cable access channel and other media outlets. The department shall also make available information through the publication of goals, annual and monthly reports and the tri-annual survey results.
- [Conveying Information Transmitted from Citizens Organizations to the Agency](#) – The community involvement function shall transmit information from citizens and organizations through Crime Prevention and Community Relations reports.
- [Improving Agency Practices Bearing on Police Community Interaction](#) – The community relations function shall review and analyze input from the community concerning police practices and make recommendations on those practices that affect police/community relations. Monthly, the department shall distribute the Miami Township Police Quality Assurance Surveys to citizens having contact with the agency and the results shall be distributed through email to supervisory staff and posting in the patrol room. The Miami Township Police Department is committed to correct any actions, practices or attitudes with the department that may have an adverse effect on community relations, community tensions and grievances. Corrective actions may be accomplished through policy and procedure review, employee training programs and other personnel actions.
- [Developing Problem Oriented and Community Policing Strategies](#) – The Miami Township Police Department is committed to problem oriented and community policing strategies. The department has officers in specialized assignments of Crime Prevention/Community Relations Officers. These positions allow these officers to dedicate his/her efforts to crime prevention, community relations and problem-solving activities without having to meet the demands and distractions of responding to patrol dispatches. The agency believes that this is an effective means to increase community cooperation with the police and to improve operational efficiency.

### [Quarterly Progress Report](#)

The Community Relations/Crime Prevention Officer shall file a quarterly report with the Chief of Police that includes the following information:

- A description of current concerns voiced by the community.
- A description of potential problems that have a bearing on law enforcement activities within the community.
- A statement of recommended actions that address previously identified concerns and problems.
- A summary of meetings attended by police personnel performing community relations functions.

- A statement of progress made toward addressing previously identified concerns and problems.

#### *Procedures for Transmitting Information*

Any employee having relevant information for the quarterly progress report shall transmit that information in writing or through roll call to the Community Relations/Crime Prevention Officer who are tasked with transmitting relevant information received in the quarterly progress report.

#### **45.2.2 Citizens Survey**

##### *Quality Assurance Surveys*

The Investigations Supervisor or his/her designee shall be responsible for the development, distribution and tabulation of the monthly quality assurance surveys. The survey shall ask for a rating of services delivered from the initial request to disposition. The Investigations Supervisor or his/her designee shall maintain a record of the information received from the surveys. A summary of the service ratings and rate of surveys returned will be included in the department's monthly report.

##### *Biennial Citizen Survey*

The Miami Township Police Department may once every two years, prepare a survey of citizens attitudes and opinions with respect to:

- Overall Agency Performance
- Overall Competence of Agency Personnel
- Citizens Perception of Officers Attitudes and Behavior
- Community Concern over Safety and Security in Miami Township
- Citizens Recommendations and Suggestions for Improvement

##### *Survey Summary to Chief of Police*

The Chief of Police or designee shall be responsible for the development, distribution, tabulation and analysis of the biennial survey. The results and specific concerns that have been identified shall be forwarded to the Chief of Police in report form.

The Chief of Police shall make public, the results of the survey, specific concerns that have been identified and any planned corrective actions.

**DIRECTIVE 45.3  
CITIZEN VOLUNTEERS**

<b>Issue Date: 03/05/2020</b>	<b>By Order of Chief of Police</b>
<b>Rescinds: (Issue 08/12/19)</b>	<b>CALEA Standards</b>
<b>Pages: 5</b>	<b>Referenced: 45.3.1; 45.3.2 &amp; 45.3.3</b>

**This directive consists of the following sections:**

**[45.3.1 Program Description](#)**

**[45.3.2 Training](#)**

**[45.3.3 Uniforms](#)**

**POLICY & PROCEDURE**

Miami Township Police Department recognizes that citizen volunteers offer significant service to the Police Department and residents of Miami Township. Citizen volunteers assist at numerous community events and police operations by performing routine, non-police duties.

**[45.3.1 Program Description](#)**

The department's volunteer programs consist of:

- A recognized Law Enforcement youth program sponsored and sanctioned by Public Safety Cadets;
- Citizen's Police Academy Alumni Association (CPAAA);
- Police Chaplain Program.

All persons participating in Miami Township Police Citizen Volunteer programs shall abide by all procedures, rules and regulations established by the Miami Township Police Department. Citizen volunteers must complete a written application and screening process as determined by the Support Services Supervisor before acceptance into any volunteer program. Directive 45.3 will be attached to the volunteer application and receipt of this directive will be indicated by the volunteer applicant.

**[Volunteers Status](#)**

Persons participating in Miami Township Police Volunteer Programs are not sworn officers. Volunteers shall not carry or use any type of weapon or firearm.

### *Duties, Roles & Authority of Volunteers*

Persons participating in the Public Safety Cadet Program and the Citizen's Police Academy Alumni Association may volunteer for any activity approved by the Police Department for which they have the competency and physical capacity to do so. Volunteers may be assigned to law enforcement related community service functions. They may be used as a resource in emergencies and large-scale special events.

Persons participating in the Police Chaplain Program must be an ordained minister, rabbi or equivalent in good standing with his church/denomination. Chaplains shall offer crisis intervention, assist in police notifications to families in the event of death, serious illness or injury, provide counseling or referral to citizens or police personnel and maintain a liaison with the religious and civilian community in general.

Volunteers shall at no time assume the role of a law enforcement officer nor interfere with an officer in the performance of his or her duties. Volunteers shall not present themselves as an employee of Miami Township.

Volunteers shall not publicly criticize the actions of any Miami Township employee or any directive, policy, procedure, rule or regulation of the Miami Township Police Department. Any concern or grievance of volunteers shall be directed to the Support Services Supervisor for discussion and final resolution.

Any information gained by volunteers shall be considered confidential and shall only be used to the benefit of the persons concerned. Volunteers shall not release any information to any person outside of the Miami Township Police Department, including the news media, physicians or insurance companies unless directed by a member of the Command Staff.

Volunteers failing to maintain these, or any other required policy, procedure, rule or regulation of the department shall be removed from the program.

### Ride Along Program

To better inform select volunteers of the nature of police work in order to encourage their support, it shall be the policy of the Miami Township Police Department to permit certain volunteer personnel to ride along with sworn police officers on duty subject to procedures and regulations prescribed in this Directive.

For clarification, select volunteers refers to the current Miami Township Citizens Police Academy session participants, members of the Miami Township Citizen Police Academy Alumni Association, members of the Public Safety Cadets, Police Chaplains and any other person approved by the Chief of Police to participate.

All ride along opportunities shall be scheduled in advance of the ride along. Volunteers wishing to participate in a ride along opportunity shall complete a request form and

submit it to the Support Services Supervisor one week in advance of the requested ride along date. Final approval/disapproval will be made by the Chief of Police. If possible, the rider will be notified 48 hours in advance of their requested date. Walk in riders are prohibited.

Shift supervisors shall assign an officer for the ride along. Officers should be given the opportunity to opt out if they do not want to host a rider. Although not required, effort will be made to place a Public Safety Cadet rider with a host of the same gender.

Officers hosting the ride along opportunity must comply with the following provisions:

- May not host the same rider on consecutive ride along opportunities.
- May only host riders between the hours of 0700-0000.
- Will not host any rider who has not previously scheduled the ride along through the Chief of Police.
- May not initiate in any activity that will expose the rider to undue danger or harm, i.e. vehicular pursuits, handling of weapons or hazardous materials, etc.
- Will not permit the rider to get out of the police vehicle at scenes that are not yet stabilized and that present the possibility of danger or harm to the rider, i.e. fights in progress, active aggression in domestic violence calls, threats of suicide with any weapon of any type or any other call that the hosting officer believes may constitute dangerous.
- Will not take the rider to the officer's home under normal circumstances. If the officer must respond to their home, the rider shall remain in the vehicle.
- Will comply with all department directives, policies, procedures, rules, directives and other instructions concerning citizen riders.

Public Safety Cadet riders must comply with the following provisions:

- Only one Cadet will be permitted to participate as a rider at any time.
- Must be at least 16 years of age.
- May only ride between the hours of 0700-0000. High school students may not ride past 1800 if classes are scheduled the following day.
- Must wear issued Cadet uniform and be groomed appropriately.
- Must have received and successfully completed training in Basic First Aid and CPR within the past 12 months.
- Must alternate squads and/or shifts to not ride with the same squad consecutively.
- May not ride more than 4 consecutive hours during any one observation opportunity and no more than once per calendar month. The Cadet mentor shall track ride along requests to ensure compliance.

CPA & CPAAA riders must comply with the following provisions:

- Must be a member of the current Miami Township Citizen Police Academy or a member in good standing with the Miami Township Citizen Police Academy Alumni Association and regularly attend meetings and show a history of volunteering for CPAAA activities.
- Must wear issued shirt/jacket with current CPA or CPAAA identification badge. No blue jeans or excessive jewelry are allowed.
- Must have received and completed training in first aid and CPR within the past 12 months.
- May not ride with the same officer on consecutive ride along opportunities.
- May not ride more than 4 consecutive hours during any one observation opportunity and no more than quarterly (4 times per calendar year).
- May only ride between the hours of 0700-0000.
- Must schedule the ride along opportunity at least one week in advance. If possible, the rider will be notified 48 hours in advance for their confirmation.
- Will not divulge to persons outside the police department the names and circumstances of persons involved in situations investigated by the police unless called upon to testify in court or other administrative hearing.
- Will not get out of the police vehicle at scenes that are not yet stabilized and that present the possibility of danger or harm to the rider, i.e. fights in progress, active aggression in domestic violence calls, threats of suicide with any weapon of any type or any other call that the hosting officer believes may constitute dangerous.

If at any time, the host officer believes the rider has violated any of the provisions mentioned herein, the host officer will immediately terminate the ride along by returning the rider to the police department. The officer at their earliest convenience will send a detailed summary of the alleged violation to the Support Services Supervisor who will then meet in person with the Chief of Police to discuss the alleged violation. If the Chief of Police concurs with the host officer that a violation has occurred, the rider in question will have their riding privileges suspended for a time established by the Chief of Police.

### **45.3.2 Training**

Volunteers may attend training sessions organized by and approved by the Miami Township Police Department.

Volunteers assigned to community service functions or utilized as a resource in an emergency or large-scale special event shall receive instruction or training appropriate to the task assigned. This would typically occur at a meeting or pre-event briefing. If volunteers are utilized in an emergency, they shall be given specific instruction/tasks by

the on-scene Incident Commander. Volunteers shall not be assigned or perform any task that requires law enforcement powers.

### 45.3.3 Uniforms

Persons participating in the Public Safety Cadet Program shall wear uniforms that clearly distinguish them from sworn officers of the Miami Township Police Department. The Chief of Police shall reserve the right to approve the uniform, its parts and accessories.

Persons participating in the Citizen's Police Academy Alumni Association shall wear an approved uniform of a civilian golf style shirt with a logo and golf cap (optional) approved by the Chief of Police.

Persons participating in the Chaplain Program shall be properly attired as follows:

- Non-formal events: Chaplains will wear the issued chaplain shirt or jacket.
- Formal Events: Chaplains will wear a suit and tie and display the issued Chaplain badge and nameplate on the left breast pocket of the suit coat.
- The Chief of Police shall reserve the right to approve the clothing standard, its parts and accessories.

CPAAA volunteers shall be issued an Identification card that must always be worn while working at community events or any other approved police function. Identification cards issued to CPAAA members shall be stamped as VOLUNTEER and shall not bear any badge design or any other marking that would cause a person to believe the volunteer is a sworn Officer. Identification cards are only to be worn or displayed while engaged in an approved community event or other approved police function.

Public Safety Cadets and Chaplains are issued name plates/uniform markings for identification purposes.

All issued uniforms, shirts, jackets or any other item and accessory issued to a volunteer are the property of the Miami Township Police Department and shall be returned immediately by order of the Chief of Police or his/her designee.

# DIRECTIVE 46.1 CRITICAL INCIDENTS

<b>Issue Date: 06/17/2020</b>	<b>By Order of Chief of Police</b>
<b>Rescinds: (Issue 05/12/2020)</b>	<b>CALEA Standards Referenced: 46.1.1; 46.1.2; 46.1.3; 46.1.4; 46.1.5; 46.1.6; 46.1.7; 46.1.8; 46.1.9; 46.1.10; 46.1.11 &amp; 46.1.12</b>
<b>Pages: 25</b>	

**This directive consists of the following sections:**

- 46.1.1 Planning Responsibility**
- 46.1.2 All Hazard Plan**
- 46.1.3 Command Function**
- 46.1.4 Operations Function**
- 46.1.5 Planning Function**
- 46.1.6 Logistics Function**
- 46.1.7 Finance/Administration Function**
- 46.1.8 Equipment Inspection**
- 46.1.9 All Hazard Plan Training**
- 46.1.10 Active Threats**
- 46.1.11 Personnel Identification**
- 46.1.12 Crowd Control Response Training**
- Addendum A. – Civil Disturbances / Crowd Control**

## **POLICY AND PROCEDURE:**

### **46.1.1 Planning Responsibility**

A Division Commander, assigned by the Chief of Police, shall be responsible for planning a response to critical incidents. He/she shall report to and consult with the Chief of Police as needed to accomplish this responsibility.

### **46.1.2 All Hazard Plan**

The department has adopted the Miami Township 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 standard Incident Command System (ICS) protocols, including functional provisions for Command (see 46.1.3), Operations (see 46.1.4), Planning (see 46.1.5), Logistics (see 46.1.6), and Finance/Administration (see 46.1.7). In

those instances where the IEMP does not address specific response situations, the police department has adopted specific response plans for those situations. When the Township revises the IEMP, those police department specific plans will be added to the IEMP as Functional Appendices.

### **46.1.3 Command Function**

The Command Function includes the following:

#### *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
- Fire/Hazardous Materials Accidents

#### *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, rest rooms, and provide privacy and security away from the scene and public eye should be sought out.

#### *Notification and Mobilization of Agency Personnel*

Depending upon on 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:

Deputy Incident Commander	Public Information Officer	Safety Officer
Liaison Officer	Agency Representatives	Operations Section
Planning and Intelligence	Staging Area Supervisor	Finance

### *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 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.

### *Establishing a Unified Command*

If the incident requires a Unified Command, it will be the Incident Commander's responsibility to establish it and make sure proper notifications are made to those agencies and entities. The Unified Command location will be identified by the Incident Commander.

### *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.

### *Providing Public Information & Maintaining Media Relations*

The IC shall use department or Township Public Information Officers (PIO) or designate a Public Information Officer 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.

### *Maintaining the Safety of all Effected Personnel*

The IC shall take steps to maintain the safety of all effected 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.

### *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.

### **46.1.4 Operations Function**

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

#### *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 Kill Zone or 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, i.e., 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.

#### *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
- 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 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.
- 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 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 Township 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.
- 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 by the 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.

### *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.

### *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. Township owned vehicles will be used as the 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 Clermont County Sheriff's Office. Additional transportation assists should be requested through the Clermont 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

10/15/09	1500 hrs	
SMITH, JAMES	3/10/1968	123-90-4567
Community Park	DC/Resisting	
Ball, K	MTPD	

**Example Arrestee Signboard**

When possible, digital photo images shall be sent to the jail facility by e-mail or other means at the earliest time possible.

Persons charged with criminal offenses may be handled in accordance with the procedures in department Directive 1.2.

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 county Juvenile Detention 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 Clermont 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 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 Miami Township Police Department shall maintain the responsibility for evidence collection, preservation, and storage during a civil disturbance where arrests are made and/or crimes committed. Evidence collection shall be in accordance with normal procedures outlined in Directives 83.2 & 83.3.

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 Township 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 Miami Township Police Department is a participating agency in the Clermont 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 Clermont 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 Clermont County Sheriff's Office or the person in charge of the jail facility if not located in Clermont County.

Court and Prosecutor Liaison - Should an incident develop into a mass arrest situation, the township attorney or a representative of the Clermont 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 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 Miami Township Fire/EMS service or an agency directed by them to provide such aid.

### *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 Clermont County Engineer or the Miami Township Service 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.

Traffic control procedures are described in more detail in department Directive 61.3.

### *Conducting 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.

### **46.1.5 Planning Function**

The Planning Function includes the following:

#### *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 Planning Section Chief with input from the appropriate sections and units of the Incident Management Team. It should be written at the outset of the response and revised continually throughout the response.

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 is normally conducted by the planning section chief. The checklist which follows is intended to provide a basic sequence of steps to aid the planning section chief in developing the incident action plan.

<b>Checklist Item</b>	<b>Primary Responsibility</b>
Briefing on situation and resource status	Plans Chief (PC)
Set overall objectives and priorities for period/shift	Incident Commander (IC)
Identify activity areas and control objectives	Operations Chief (OC)
Specify tactics for each Group	OC
Specify resources needed by each Group	OC
Specify facilities and reporting locations	OC, Logistics Chief (LC)
Place resource and personnel order	LC
Consider communications, medical and traffic plan requirements	OC, PC, LC
Finalize, approve and implement incident action plan	PC, OC, IC

### *Gathering and Disseminating Information and Intelligence*

The Planning Section 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 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.

### *Continuity of Operations Plan (COOP) / Continuity of Government Plan (COG)*

The Planning Section assures the capability exists to continue essential agency functions throughout any potential emergency.

### *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:
  - 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 (ICS Form 221):
  - 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 problems and defined process for follow-up.
  - Rehabilitation/cleanup accomplished or contracted.
  - Team has conducted or scheduled required debriefings.
- Obtain approval of Demobilization Plan (ICS Form 221) from Planning Section Chief.

- Distribute Demobilization Plan (ICS Form 221) to processing points both on and off incident.
- Monitor implementation of Demobilization Plan (ICS Form 221).
- Assist in the coordination of the Demobilization Plan (ICS Form 221).
- Provide briefing to relief on current activities and unusual events.
- Document all activity on Unit Log (ICS Form 214).
- Give completed incident files to Documentation Unit Leader for inclusion in the final incident package.

#### 46.1.6 Logistics Function

The Logistics Function includes the following:

##### 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 Clermont County Communications Center. When that resource is not available or the task is beyond their capability, communications resources should be requested through the Clermont County Emergency Management Agency.

##### Transportation

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

##### 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 Miami Township Fire & EMS Department. When that resource is not available or the task is beyond their capability, medical support resources should be requested through the Clermont County Emergency Management Agency.

##### 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 assistance for this task may be had from the Miami Township Administration offices. When that resource is not available or the task is

beyond their capability, supply resources should be requested through the Clermont County Emergency Management Agency.

### *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 Clermont County Communications Center. When mutual aid agreements do not exist for the resource needed, requests will be made through the Clermont County Emergency Management Agency.

### **46.1.7 Finance/Administration Function**

The Finance/Administration Function includes the following:

#### *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.

#### *Procuring Additional Resources*

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

#### *Recording Expenses*

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

#### *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.

#### *Preparing Appropriate Reimbursement Documents*

Reimbursement Unit – ensures completion of all forms required for reimbursement.

#### **46.1.8 Equipment Inspection**

All property that is stored and not issued will be maintained in a constant state of operational readiness. The Support Services Supervisor will be responsible for maintaining the operational readiness of such property. The Support Services Supervisor will be responsible to inspect such property as needed but no less than quarterly, to assure each item's operational readiness. The Township EOC shall be inspected and the status of that facility and equipment will be included in the quarterly report.

#### **46.1.9 All Hazard Plan Training**

The department provides for documented annual training on the All Hazard Plan, to include the Incident Command System (ICS) for affected agency personnel. The department also provides for documented biennial training consisting of a tabletop or full-scale exercise to assess the agency's capabilities with the All Hazard Plan and the Incident Command System.

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.

#### **46.1.10 Active Threats**

##### *Public Notification 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 PIO Division.
- 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.

### *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.

### *Response to Threats when Lives are in Imminent Danger*

Response to threats when lives are in imminent danger will be guided by Directive 4.1.1 which is to 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.

### *Public Sheltering and Containment of 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.

### *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. This review will be conducted by the Investigations Supervisor and submitted to the Chief of Police.

### **46.1.11 Personnel Identification**

Crowd control equipment will be maintained at the police department and deployed when deemed necessary to protect members in situations regarding civil disturbances/disorderly crowds. The decision to deploy crowd control equipment will be made by the on-duty supervisor or incident commander. Only officers fully equipped with issued riot equipment will be utilized to assist in an event where riot equipment is deployed.

In responding to situations when protective gear is deployed, each agency member should be assigned an individual number or code that is marked on helmets used for such purposes. This allows for the appropriate review of associated video, if any, and creates accountability measures for organization members.

Crowd control equipment consists of:

- Helmet identified by MT # on back to with face shield;
- 42-inch long baton;
- Shield;
- Gas mask with approved filter(s).

#### **46.1.12 Crowd Control Response Training**

Police response to crowd control situations generate tremendous media attention and broad public awareness. Therefore, it is critical periodic training occurs on this subject and staff provided opportunities to discuss the organization's philosophies and strategies that will be applied. The agency's incident command protocol should also be reviewed, with overviews of specific duties and responsibilities defined.

#### **Addendum A. – Civil Disturbances/Crowd Control**

Miami Township Police Department officers must carefully balance the First and Fourth Amendment rights of citizens with the protection of property and public safety. Not all crowd control situations, however, involve unlawful acts. It is the mission of the Miami Township Police Department to protect citizens' rights to lawfully gather (e.g. lawful demonstration) while identifying and addressing unlawful behavior (e.g. civil disturbance).

In the event of a civil disturbance/disorderly crowd, it is the mission of the Miami Township Police Department to restore order as rapidly and efficiently as possible. The Miami Township Police Department's organizational philosophy toward managing a civil disturbance/disorderly crowd is based on commitment, integrity and accountability.

The Miami Township Police Department's primary objectives in mitigating a civil disturbance/disorderly crowd are:

- Protecting lives;
- Restoring and maintaining order;
- Protecting vital facilities;
- Protecting exposed buildings, especially occupied structures, in order to minimize property damage and/or injuries to occupants;
- Arresting law violators.

The purpose of this policy is to provide a plan of action for civil disturbance/disorderly crowd operations, enhance the mobilization of personnel and equipment to quell incidents which could escalate into more serious situations, and provide for the integration of emergency services.

## **DEFINITIONS:**

Civil Disturbance - An unlawful assembly that constitutes a breach of the peace or any assembly of persons where there is imminent danger of collective violence, destruction of property, or other unlawful acts.

Crowd Control - Techniques used to address unlawful public assemblies, to include a show of force, crowd containment and dispersal equipment/strategies, and preparations for multiple arrests.

Crowd Management - Techniques used to manage an assembly before, during, and after the event for the purpose of maintaining the assembly's lawful status. This is accomplished through event planning, pre-event contact with group leaders, communication with participants, the issuance of permits, intelligence gathering, personnel training, and other means.

Disorderly Crowd - A large group of individuals exhibiting unruly, violent, intimidating, or uncooperative behavior.

Hot Spot - Locations where crowds are, or potentially, known to gather. Hot spots are largely identified by past crowd movements and behaviors. Hot spots may include, but are not limited to, parks, intersections, bus stops, or businesses.

Lawful Demonstration - A lawful assembly of persons organized primarily to express their views. Typically, these events are scheduled and permitted, allowing for prior police planning. Demonstrations include marches, protests, and other assemblies that are largely designed to attract the attention of onlookers, the media, and others. Lawful demonstrations have the potential to evolve into civil disturbances requiring law enforcement action.

### Intelligence Sources

While not all civil disturbances/disorderly crowds are pre-planned, officers should be aware of sources of information that are used to plan, or may assist in responding to, incidents that could potentially become violent. Social media communication may be used to synchronize the planning and execution of these incidents. Once these events begin, the rapid broadcasting of the event through social media can quickly increase the scope and magnitude of the event, potentially overwhelming the ability of law enforcement to respond, contain, and end the disturbance. The use of social media and electronic devices (e.g. cell phones, tablets, etc.) provide instigators with a larger audience, a real time communication medium, and a global reach. Social media communications (e.g. Twitter, Facebook, and text messaging) are often used to organize these incidents. Officers should be aware of any potential social media postings that may reveal any potentially dangerous incidents. Every effort should be made to identify groups with histories of criminal activity and an online presence in order to distinguish credible information from rumors.

## Procedures

Any officer who encounters, or receives a report of, a civil disturbance/disorderly crowd will notify their supervisor and observe the situation from a safe distance in order to determine if the gathering is currently, or may potentially become, violent. The supervisor shall respond, be briefed by the initial officer on scene and identify the crowd leader/representative. The supervisor will speak with him/her in an attempt to maintain control while allowing sufficient time to communicate acceptable and non-acceptable actions. If the supervisor believes that the crowd cannot be dispersed with the resources immediately available, he/she will notify Clermont County Communications Center of the nature and seriousness of the disturbance, particularly noting the availability of weapons, and request notification to Command staff.

After the on-duty supervisor's arrival at the scene, they will assess the immediate situation and weigh the effects of law enforcement action by considering:

- The likelihood of community disorder/potential for escalation;
- The safety of citizens and departmental personnel;
- The severity of law violation(s);
- The availability of resources.

The commanding officer will determine the number of personnel and equipment necessary to contain the disturbance and report this information to Clermont County Communications Center. Crowd management techniques should be utilized first; however, in situations where there is an imminent threat to public safety, control strategies will be developed.

Alternative forms of patrol (e.g. foot patrols, bicycle patrols, motorcycle etc.) should be considered to increase the mobility and presence of officers responding to disorderly crowds. Video recording should be utilized, if available, in order to identify and record crowd participants and their behavior(s). The commanding officer will attempt to anticipate/identify the crowd's direction and movement in order to prevent other areas of the Township from being affected. Being proactive by anticipating the movement of the crowd, maintaining a strong visible presence, and being familiar with the geographic area are some of the best measures to achieve a successful outcome.

If the severity of the incident (e.g. property destruction, violence of the crowd, etc.) is beyond the scope of the units involved, and all of the Miami Township Police Department's resources are unable to handle the situation, the Chief of Police, or his/her designee, will request assistance from other agencies. This may include, but is not limited to, local and state law enforcement agencies.

## Personnel Identification/Equipment

Crowd control equipment will be maintained at the police department and deployed when deemed necessary to protect members in situations regarding civil disturbances/disorderly crowds. The decision to deploy crowd control equipment will be made by the on-duty supervisor or incident commander. Only officers fully equipped with issued riot equipment will be utilized to assist in an event where riot equipment is deployed.

In responding to situations when protective gear is deployed, each agency member should be assigned an individual number or code that is marked on helmets used for such purposes. This allows for the appropriate review of associated video, if any, and creates accountability measures for organization members.

Crowd control equipment consists of:

- Helmet identified by MT # on back to with face shield;
- 42-inch long baton;
- Shield;
- Gas mask with approved filter(s).

## Incident Command System

In addition to the procedures outlined above, the on-duty supervisor may implement the Incident Command System (ICS) in accordance with department Directive 46.1.3 and/or use the Clermont County Communications Centers TAC or Incident Command Channel to coordinate officers. The on-duty supervisor will serve as the Incident Commander (IC), until relieved by a ranking officer. The ranking officer will then assume the role of IC and its accompanying responsibilities. Clermont County Communications Center will be notified of all changes in command, including the name of the commanding officer serving as the IC.

Disorderly crowds have the capability to inflict large amounts of damage and injuries over a widespread area in a short amount of time. In addition to the procedures outlined above, the IC will continually assess the crowd during a civil disturbance. This assessment will assist in recognizing changes in behavior and will determine if additional resources should be deployed.

Crowds should be assessed according to the following factors:

- Organization;
- Leadership;
- Common motive for action;
- Individual behavior;
- Group behavior;
- Cohesiveness;

- Unity of purpose;
- Psychological unity;
- Emotional intensity;
- Volatility;
- Degree of lawlessness;
- Level of violence;
- Level of property damage;
- Likelihood of injuries or deaths.

The assessment of these factors dictates the level and type of response required. Once a disturbance begins, a quick response is essential. Therefore, it becomes important for the IC to gather resources and suppress disruptive activities before violence spreads. The IC must quickly identify impact zones, secure dangerous areas, and control movement on public thoroughfares. Resources must be sufficient to handle multiple incidents that occur during an outbreak of civil disturbance/disorderly crowd.

### Mutual Aid

Directive 2.1 should be referred to for the procedures regarding requesting mutual aid assistance.

### De-Escalation

At times, policing requires that an officer must exercise control of violent or resisting subjects in order to make an arrest or to protect the officer, other officers, or the public from the risk of imminent harm. Clearly, not every potential violent confrontation can be de-escalated, but officers have the ability to impact the direction and the outcome of many situations that they encounter, based on their decision-making and the tactics that they choose to employ.

When reasonable, under the totality of circumstances, officers should gather information about the incident, assess the risks, assemble resources, attempt to slow momentum, and communicate and coordinate a response. In their interaction with subjects, officers should use advisements, warnings, verbal persuasion, and other tactics as alternatives to higher levels of force. Officers should recognize that they may withdraw to a position that is tactically more secure, or allows them greater distance, in order to consider or deploy a greater variety of force options. Officers should perform their work in a manner that avoids unduly jeopardizing their own safety, or the safety of others, through poor tactical decisions.

During the de-escalation of the incident, the commanding officer/IC, along with the division commander, should consider implementing plans to address the following:

- Providing vehicular and foot patrol security to residents and businesses in order to prevent further property damage/loss;

- Developing a means of identifying people who have a legitimate reason for being in the area;
- Providing media access and interviews through the Media and Public Relations Office.
- Dealing with unusual security problems
- Assessing personnel and equipment needs until normal operations resume.

**DIRECTIVE 46.2  
SPECIAL OPERATIONS**

<b>Issue Date: 05/12/2020</b>	<b>By Order of Chief of Police</b>
<b>Rescinds: (Issue 06/07/2020)</b>	<b>CALEA Standards Referenced: 46.2.1; 46.2.2; 46.2.3; 46.2.4; 46.2.5; 46.2.6; 46.2.7 &amp; 46.2.8</b>
<b>Pages: 7</b>	

**This directive consists of the following sections:**

- 46.2.1 Special Operations Activities**
- 46.2.2 Tactical Team Selection**
- 46.2.3 Tactical Team Equipment**
- 46.2.4 Crisis Negotiation Selection - N/A by Function**
- 46.2.5 Search and Rescue - N/A by Function**
- 46.2.6 VIP Security**
- 46.2.7 Special Events**
- 46.2.8 Event Deconfliction Process – N/A by Function**

**POLICY AND PROCEDURE:**

**46.2.1 Special Operations Activities**

This directive establishes policy and procedure for special operations activities. Special operations shall include the deployment of the Clermont County Sheriff’s Office (CCSO) Special Response Team (SRT) (a tactical team), VIP Security, and Special Event Planning.

**Responsibility of Agency Personnel Until Assistance Arrives**

In the event of any of the following serious criminal incidents - Barricaded Gunman; Hostage Incidents; Civil Disorder; High Risk Search Warrant Execution; Terrorist Attack; or other high-risk situation - the on-duty supervisor may determine that it is necessary to summon assistance from the CCSO SRT. In that case a request shall be made for the SRT through the Clermont County Communications Center.

While awaiting the arrival of the SRT, the on-duty supervisor shall:

- Establish the Incident Command System and Assume Command of the Incident.
- Clear the Patrol Radio Frequency and request all routine radio traffic to be re-directed to an alternate frequency.

- Provide Dispatch with the following information:
  - Safe entry route for all responding personnel.
  - Pertinent intelligence information including description of physical setting.
  - Account of the situation including number of victims, number of offenders and a description of any dangerous conditions.
  - Establish an Inner and Outer Perimeter.
  - Identify and Request Additional Resources.
  - Cause the required notifications to be made to the appropriate Command Staff members.

### *Deployment of Tactical Teams*

The Clermont County Sheriff's Office (CCSO) maintains a Special Response Team (SRT) to be used in high risk or hostage situations. The SRT is made up of personnel from the CCSO and other local police departments within Clermont County, including personnel from the Miami Township Police Department.

The CCSO SRT is under the supervision of the Clermont County Sheriff and/or his designated line supervisors.

When summoned to assist the Miami Township Police Department, the CCSO SRT shall send a liaison to the command post or other designated location to coordinate with the local Incident Commander.

The CCSO SRT shall not deploy or act without prior coordination with the local Incident Commander.

The CCSO SRT Procedures are described in CCSO General Order 46 Unusual Occurrences. Miami Township adopts by reference those parts of that General Order that apply to SRT Operations.

After each deployment with the SRT, the Miami Township employee assigned to the SRT and involved in the incident shall file an incident report with Miami Township Police Department describing his/her participation in the deployment.

### *Coordination and Cooperation Between Tactical Teams and Other Components*

If the planned situation is of such magnitude as to require additional SRT resources, contact may be made with the Ohio State Highway Patrol SRT, the Hamilton County Sheriff's Office SRT, the Warren County Sheriff's Office SRT, and/or the City of Cincinnati Police Division SRT. Requests for these additional resources will be made through the Clermont County Communications Center.

Coordination and cooperation between the tactical teams and personnel of the Miami Township Police department, or other supporting law enforcement agencies, shall be had to assure the safe and successful outcome of the situation. Miami Township Police or

other law enforcement agencies may be tasked to perform perimeter control, traffic control, observation, evacuation or other tasks in support of the SRT operation.

#### **46.2.2 Tactical Team Selection**

The CCSO reserves the right to make the final decision for selection of personnel to the SRT.

Interested Miami Township Police Department Personnel may apply to the SRT when vacancies exist.

Miami Township Police Department Personnel may be assigned to the CCSO SRT with the approval of the Miami Township Chief of Police.

The criteria for selection will be based upon minimum criteria and an interview with a panel of staff designated by the Chief of Police and an interview with designated personnel at the Clermont County Sheriff's office. Minimum criteria are:

- Must have successfully completed the probationary period as a Miami Township Police Officer and have at least two years experience as a police officer.
- May not have had any disciplinary action within the past 24 months.
- Must have an acceptable attendance record within the past 24 months.
- Must present a physically fit appearance and correctly wear the duty uniform.
- Must successfully pass a physical fitness test as determined by the CCSO.
- Ability to work as part of a team with SRT personnel.
- Pass an in-depth psychological examination.
- Proficiency with duty weapons as determined by the SRT supervisor.
- Review of personnel file including evaluations, commendations, discipline and sick time use.
- A written recommendation by immediate supervisor.
- Family support for service in such a unit.

Assignment to this position is for an indefinite period based upon performance. Work schedules will vary dependent upon Miami Township Police Department and CCSO needs. Training will be on a scheduled basis as directed by the CCSO. Members receive no additional compensation with exception of approved overtime.

#### **46.2.3 Tactical Team Equipment**

The Miami Township Police Department will provide basic equipment and uniforms for its personnel selected to be on the CCSO SRT. The equipment to be provided is:

- Black BDU Set (2)
- Camo BDU Set (1)
- Field Jacket Alpha (1)
- Kevlar Helmet (1)
- Nylon Web Gear (1)

- Flight Gloves (1)
- Balaclava (1)
- Goggles (1)
- Winter Camo Set (1)
- Ponch & Liner (1)
- SRT Vest (1)

#### **46.2.4 Hostage Negotiation Selection – N/A By Function**

Hostage negotiation is performed by the Clermont County Special Response Team.

#### **46.2.5 Search and Rescue – N/A By Function**

The department has adopted the Miami Township Integrated Emergency Management Plan (IEMP). Search and Rescue responsibilities are assigned to the Clermont County Special Response Team and/or the Miami Township Fire/EMS Department.

#### **46.2.6 VIP Security**

To establish guidelines for the security of celebrities, presidential visits, and other important persons who, due to their prominence may require special security precautions while traveling through, visiting or staying in Miami Township.

To delegate responsibility and when required, provide for the coordination with Federal, State and other local law enforcement agencies as well as private security to provide the safest possible environment for important persons.

#### **Responsibilities**

The Patrol Division Supervisor will supervise and coordinate any detail requiring security for an important person, unless otherwise designated by the Chief of Police. The Chief of Police will approve the overall security plan developed.

Officers assigned to any important person security detail will work in the uniform of the day with their normally issued weapons and personal equipment, unless otherwise instructed by the Patrol Division Supervisor.

If special equipment or weapons are deemed necessary for the security detail, only persons qualified in the use of any special equipment or weapons, and then only be used in conjunction with an overall security plan approved by the Chief of Police.

Specialized vehicles (unmarked cars, bulletproof cars, buses, vans, etc.) and other transportation needs shall be considered in pre-event planning sessions and arranged for in advance by the Patrol Division Supervisor.

Soft body armor shall be available for important persons, if they so desire. The Patrol Division Supervisor shall plan for this loan of this equipment.

All intelligence gathering and coordination of intelligence information will be the responsibility of the Patrol Division Supervisor.

### Routes and Sites to be used by Important Persons

Planning for and reconnoitering travel routes will be conducted to determine the safest and most expedient route. In addition to a primary route no less than two alternate routes will be planned.

Advance on-site inspections will be conducted including aerial overview when available of the area or areas to be traveled by and or occupied by the important person. A final inspection prior to arrival will be made of the immediate area the important person is likely to occupy, and the area will be guarded from that point until the arrival of the important person.

### Dissemination of Information

Prior to the VIP's arrival, a briefing will be conducted by the supervisor of the detail. This briefing will be attended by all affected officers and a representative from all outside agencies involved. Duties and assignment of each agency will be outlined, as will the duties of all officers with the Miami Township Police Department.

### Emergency Medical Care

The Miami Township Fire/EMS Department will be available for emergency medical services. Any transport of an important person will be to the closest or most appropriate hospital as directed by the EMS supervisor.

A Miami Township Police officer or other authorized law enforcement officer will accompany the EMS unit to the hospital.

If necessary or as required, University Hospital Air Care Medical service may be placed on standby or activated.

### Communications

All assigned officers will carry a portable radio and maintain communications with the dispatcher on the primary frequency. If necessary, assigned units may be directed to use an alternate channel for other communications.

### Identification of Security Personnel

Issued, color coded identification will be worn by all personnel assigned to the security detail, conspicuously worn on the lapel, front pocket, or collar. The supervisor of the detail (in conjunction with other agencies) will determine what color and designation will be worn.

## 46.2.7 Special Events Planning

### Supervision and Coordination

When a special event is contemplated, a single person or position shall be designated as the coordinator or supervisor of the event planning process and coverage. The person designated shall have the skills and experience appropriate for planning or supervising the type of event considered. Before the person is designated as the event coordinator/supervisor, consideration shall be given to that person's regular work assignment and the compatibility of those duties with the special events assignment

### Planning Considerations

When planning a special event, the special event coordinator/supervisor shall, at a minimum, make the following considerations.

Develop a written estimate of the potential:

- Traffic volume and problems associated with traffic and the event
- Size of the crowd and the need for crowd control measures
- Crime problems expected

Development of a contingency plan for traffic direction and control, including:

- Ingress and egress of vehicles and pedestrian traffic
- Parking
- Public Transportation
- Alternate traffic routes
- Temporary Traffic Controls
- Temporary Parking Restrictions
- Logistical requirements
- Coordination inside and outside of the agency

Use of Special Operations Personnel

- Depending upon the nature of the event, it may be necessary to employ Special Operations Personnel. In such a case, coordination shall be made with the Clermont County Sheriff's Office SRT.
- If the planned event or situation is of such magnitude as to require additional SRT resources, contact may be made with the Ohio State Highway patrol SRT, the Hamilton County Sheriff's Office SRT, the Warren County Sheriff's Office SRT, and/or the City of Cincinnati Police Division SRT.

### Logistical Requirements

Consideration must be given to logistical requirements for a special event. These may include:

- Fuel for Motor Vehicles;
- Portable Toilets;
- Tarps or Flies for Protection from Direct Sunlight;
- Food and Water.

Early planning and coordination must take place to assure logistical requirements will be met when needed. All purchasing procedures must be followed when acquiring logistical support for a special event.

#### Coordination Inside and Outside the Agency

Successful planning requires coordination of the plan both inside and outside the agency. Key personnel must be kept abreast of the plan as it is developed. Input should be sought, within the constraints of time and other factors, from potential event participants.

Copies of the plan should be produced and distributed early enough in advance of the plan implementation to permit others to prepare for their responsibilities under the plan.

When possible, a briefing of the plan should be presented to participants before the plan is implemented.

If needed, a rehearsal of the plan or its key components may be made before the plan is implemented.

#### After Action Report

After the special event has concluded, the person designated as the coordinator/supervisor for that event shall prepare a written after-action report to be submitted to the Chief of Police not later than 30 days following the completion of the event.

The After-Action Report shall include, at a minimum, a discussion of the planning sequence, the successes enjoyed, the problems encountered, and recommendations for improvement during future events.

#### **46.2.8 Event Deconfliction Process – N/A By Function**

Miami Township Police Department does not participate in an Event Deconfliction System.

# DIRECTIVE 46.3 HOMELAND SECURITY

<b>Issue Date: 05/12/2020</b>	<b>By Order of Chief of Police</b>
<b>Rescinds: (Issue 06/07/2019) Pages: 3</b>	<b>CALEA Standards Referenced: 46.3.1 &amp; 46.3.2</b>

**This directive consists of the following sections:**

**46.3.1 Providing Awareness Information**

**46.3.2 Hazmat Awareness**

## **POLICY & PROCEDURE:**

### **Liaison with Other Organizations**

The Miami Township Police Department (MTPD) maintains liaison with other agencies for the purpose of information-sharing and multi-jurisdictional preemption of terrorist acts or events. The department subscribes to the following information networks for this purpose:

SWOPINTEL	Southwest Ohio Intelligence Network
LEADS	(Ohio) Law Enforcement Automated Data System

In addition, the department maintains contact with the Clermont County Emergency Management Agency and the Greater Cincinnati Fusion Center.

Additional open-source intelligence is gathered from sources such as Federal Emergency Management Agency, the U.S. Department of Homeland Security and the Federal Bureau of Investigation.

### **Terrorism Related Intelligence**

When terrorism related intelligence is received by the Miami Township Police Department it shall be shared as follows:

- New intelligence gathered or developed locally:
  - A report will be prepared identifying the date, time, source and credibility of the intelligence.
  - Notification will be made to the appropriate intelligence network (see 46.3.1).
  - The intelligence received will be shared with department employees and/or other agencies as appropriate. The decision to share this information will be made by the Chief of Police or his/her designee.

- Intelligence from Official Sources:
  - The intelligence received will be shared with department employees and/or other agencies as appropriate. The decision to share this information will be made by the Chief of Police or his/her designee.
- Intelligence from Open Sources:
  - The intelligence received will be shared with department employees and/or other agencies as appropriate. The decision to share this information will be made by the Chief of Police or his/her designee.

### 46.3.1 Providing Awareness Information

The Miami Township Police Department provides public information brochures from the Department of Homeland Security, FEMA and the Ohio Department of Public Safety that encourage preparedness and promote the reporting of information and suspicious activity that may be related to terrorism. The reporting of this information by individuals, and community organizations, public and private, is encouraged.

### 46.3.2 Hazmat Awareness

#### Awareness Level Training for CBRN and HAZMAT

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

- The primary officer assigned to the call shall respond to the scene using proper response procedures in accordance with department directives.
- 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

The primary officer shall do the following upon arriving at the scene of an incident:

- Approach and position himself upwind, upstream, and uphill from the incident. Do not approach the immediate hazard, handle, or touch any items or victims.
- 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 Clermont County Communications Center and responding units of known and possible hazards identified.
- 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
- Establish ICS in accordance with MTPD Directive 46.1 and assume command of 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 Clermont County Communications Center and all personnel on scene when command has been transferred.

**DIRECTIVE 53.1  
INSPECTIONAL SERVICES  
LINE INSPECTIONS**

<b>Issue Date: 05/12/2020</b>	<b>By Order of Chief of Police</b>
<b>Rescinds: (Issue 08/07/2019) Pages: 2</b>	<b>CALEA Standards Referenced: 53.1.1</b>

**This directive consists of the following sections:**

**[53.1.1 Line Inspection Procedures](#)**

**POLICY AND PROCEDURE:**

The inspectional process, at both line and staff levels, provides the Chief of Police and other supervisors with a means for evaluating the quality of the department's operations, ensuring that the department's goals are being pursued, identifying the need for additional resources and assuring that persons, things, conditions, or actions by observations, inquiry, examination or analysis is a function of every supervisor. The responsibility for inspections is assigned to ensure accountability.

**[53.1.1 Line Inspection Procedures](#)**

*[Procedures to be Used in Conducting Line Inspections](#)*

All employees and physical resources of the Miami Township Police Department are subject to line inspections. Facilities, vehicles, uniforms, equipment and furnishings are made available for employee use in achieving the department's mission. These items remain the property of the Police Department and are subject to inspection at any time. No expectation of privacy is implied or should be expected.

Line inspections are conducted by personnel in control of the persons, facilities, procedures, or other elements being inspected. Line inspections may be carried out by any supervisor in the chain of command and are often conducted by supervisory personnel who may be responsible for ensuring that substandard conditions revealed in the inspection are corrected. All organizational components of the department are subject to regular line inspections. Division supervisors are responsible for ensuring that line inspections are carried out.

### *Frequency of Inspections & Responsibilities of Supervisors*

Supervisors shall conduct personnel inspections daily; at the beginning, during and at the end of each shift and shall be for appearance, condition and placement of assigned equipment, compliance with uniform or dress code, readiness for duty and compliance with departmental directives, orders and rules. Line inspections also include inspections of reports, forms and adherence to procedures.

Supervisors shall also ensure that a daily inspection of all police vehicles and vehicle equipment is conducted. Any deficiencies in a police vehicle or its equipment shall be corrected by the officer assigned to that vehicle. If a deficiency cannot be corrected immediately, the supervisor will determine the correct course of action. Quarterly, supervisors will inspect vehicles utilizing the Vehicle Inspection form. This inspection shall be for the general condition of the vehicle including exterior, interior, supplies and vehicle equipment.

All police supervisors are responsible for the ongoing inspection of the general condition and cleanliness of Police Department facilities, equipment and furniture. Any deficiency or repair that cannot be immediately corrected shall be reported to the Support Services Supervisor.

The responsibility of a supervisor conducting a line inspection is to take immediate action, if possible, to correct any substandard condition found. If immediate correction is not possible, it the responsibility of the supervisor to ensure corrective action is taken to correct the deficiency in a timely manner.

### *Criteria to Identify those Inspections that Require a Written Report*

Supervisors conducting line inspections shall ensure that written reports required by departmental directives are filed. Depending upon the circumstances, other circumstances found during a line inspection may necessitate a written report to the inspecting officer's supervisor.

Any time a supervisor finds a department wide situation or condition that requires corrective measures, the supervisor will make a written report to their Division Supervisor.

### *Follow Up Procedures to Ensure Corrective Action*

Supervisors will upon observing substandard conditions take immediate corrective action. Should further action be needed, inspection forms and written reports shall note any discrepancies or problems, along with any further steps needed for resolution.

**DIRECTIVE 53.2**  
**INSPECTIONAL SERVICES**  
**STAFF INSPECTIONS**

<b>Issue Date: 05/12/2020</b>	<b>By Order of Chief of Police</b>
<b>Rescinds: (Issue 09/02/2015)</b> <b>Pages: 3</b>	<b>CALEA Standards</b> <b>Referenced: 53.1.1</b>

**This directive consists of the following sections:**

**[53.2.1 Staff Inspection Procedures](#)**

**POLICY AND PROCEDURE:**

All elements, units and functions of the Miami Township Police Department are subject to periodic staff inspections.

Staff inspection is the process by which the department may ensure the objective review of department facilities, property, equipment, personnel and administrative and operational activities by personnel outside the normal supervisory chain of command of the component being inspected.

**[53.2.1 Staff Inspection Procedures](#)**

*[Identity of Person Conducting the Staff Inspection](#)*

All staff inspections will be conducted by a Division Commander appointed by the Chief of Police.

*[Procedures to Be Used in Conducting Staff Inspections](#)*

Staff inspections involve inquiring into the manner in which personnel and material resources are utilized in department goals and ensuring adherence to general orders and directives. Staff inspections are to ensure objective review of agency facilities, property, equipment, personnel and administrative and operational activities outside the normal supervisory and line inspection procedures and the chain of command. The staff inspection is essentially a quality control process used to provide answers to questions of vital importance to the department's administration, such as:

- Are established directives, policies, procedures and rules being followed and in the spirit for which they were designed?
- Are these directives, policies, procedures and rules adequate to attain the desired results?

- Are the resources at the department's disposal, both personnel and material, being utilized to the fullest extent?
- Are the resources adequate to carry out department goals and objectives?
- Does there or could there exist any deficiency in personnel training, morale, supervision or policy that should be corrected or removed?
- How accurate and reliable is the data that the department collects?
- Of what quality are the responses to calls for service and the reporting systems?

Notification will be made prior to initiating any general inspection. The inspector will notify the supervisor for the section to be inspected. No notification needs to be provided to members when conducting single function inspections.

Staff inspections will be conducted with as little disruption of routine activity as possible. The operation of the unit being inspected should not be unnecessarily restricted.

General inspections will usually include the following:

- Adherence to agency directives.
- Examination of all records and files.
- Observation of operating procedures.
- Examination of equipment and work areas.
- Interviews with selected personnel.
- Supervision and Leadership.

At the completion of the inspection, the inspector will discuss with the supervisor of the section inspected the results of the inspection, including what recommendations will be made to the Chief of Police.

*Written Report Identifying Deficiencies, Makes Recommendations and Identifies Positive Aspects*

At the conclusion of the staff inspection, the staff inspector will prepare a written report for the Chief of Police that will summarize the staff inspection activities, discuss deficiencies identified, make recommendations for improvement or correction and identify positive aspects of the area being inspected.

All conclusions shall be supported in detail with adequate documentation. The inspection report format shall include the following:

- Subject
- Objectives
- Methodology
- Conclusions
- Recommendations

### *Follow Up Report for Noted Deficiencies*

The inspector will be responsible for the development of an action plan for the implementation of the staff inspection report recommendations and any noted deficiencies. A follow up report for noted deficiencies that cannot be immediately corrected will be submitted to the Chief of Police.

### *Frequency of Staff Inspections*

All organization components may receive a staff inspection at least every four years.

The Chief of Police at his discretion may direct more frequent staff inspections of key organizational components.

# DIRECTIVE 54.1 PUBLIC INFORMATION

<b>Issue Date: 05/13/2020</b>	<b>By Order of Chief of Police</b>
<b>Rescinds: (Issue 08/24/2015)</b>	<b>CALEA Standards</b>
<b>Pages: 6</b>	<b>Referenced: 54.1.1; 54.1.2; 54.1.3 &amp; 54.1.4</b>

**This directive consists of the following sections:**

- [54.1.1 Activities](#)
- [54.1.2 Policy Input](#)
- [54.1.3 Media Access](#)
- [54.1.4 Public Information Officer Training](#)

## **POLICY AND PROCEDURE:**

News media representatives have an obligation to gather information, which is in the public interest, and as long as their tasks do not interfere with police objectives, they will be permitted to pursue their activities, within the confines of the law and without interference from police personnel.

It is the policy of the Miami Township Police Department to cooperate fully and impartially with authorized media representatives in their efforts to gather factual, public information pertaining to activities of the department. However, these activities cannot unduly interfere with departmental operations, infringe upon individual rights or violate the law. Officers and employees should be aware that their first obligation is to the investigation at hand and that reports containing important information should be completed before conversing with the media. The department recognizes the public's right to the accessibility of public records and the news media's right to report on matters of public interest. The Ohio Revised Code Section 149.43 governs access and the release of public records. The policy of this department is to release all information as required by law.

The Chief of Police shall be the designated Public Information Officer (PIO) and will be responsible for the public information function as it relates to media assistance and media releases.

The Chief of Police or designee shall be the designated Public Information Officer (PIO) and will be responsible for the public information function as it relates to authorization and release of public records governed under Ohio Revised Code 149.43.

### 54.1.1 Activities

#### *Assisting Media Personnel in Covering Stories at Scenes of Incidents*

Miami Township Police Department shall assist news personnel in covering routine news stories and at the scene of incidents. The Chief of Police may authorize any employee to assist the media for all incidents in progress. Officers and employees should be aware that their first obligation is to the investigation at hand and that reports containing important information should be completed before conversing with the media.

#### *Preparing and Distributing Media Releases*

The Miami Township Police Department issues media releases for the following purposes:

- Information to inform the community of items or events of interest, such as crime prevention and safety campaigns, upcoming agency events and other department activities.
- Information designed to inform the news media and public of details regarding an incident of interest that has already occurred.

All media releases must be approved by the Chief of Police before dissemination. Media releases may be distributed to area news sources as well as any other requesting agency.

#### *Arranging for and Assisting at Media Conferences*

The Chief of Police shall approve all media conferences. The Chief of Police or his/her designee shall be responsible for releasing information at all news conferences.

A media release shall be prepared which specifically states the date, time and location of the media conference.

#### *Coordinating and Authorizing the Release of Information About Victims, Witnesses and Suspects*

Information about cases and statistics will be available from the agency when requested by the media and public. Normally, requests of this type are handled through the Records Section.

The Chief of Police shall be the designated Public Information Officer (PIO) and will be responsible for the public information function as it relates to authorization and release of public records governed under Ohio Revised Code 149.43.

In instances where members of the Department are either actively involved in or have just concluded a police action, care should be exercised before releasing public records. Police personnel should consult with the Chief of Police or his/her designee if they have

any questions as to what information is appropriate to be released concerning a police report.

Records personnel shall complete the Public Records Request Form RC100. While the requestor is not required to complete the form, the person releasing the record will complete and sign the form indicating the release.

Persons releasing police records shall redact victim, witness and suspect information as required by ORC 149.43. Redaction means obscuring or deleting information that is exempt from the duty to permit public inspection or copying from an item that otherwise meets the definition of a record in Section 149.011 ORC.

- Personal Identifiers - Personal identifiers means social security numbers, except for the last four digits; financial account numbers, including but not limited to financial account numbers, employer and employee identification numbers and a juveniles name in an abuse, neglect, or dependency case, except for the juveniles initials or a generic abbreviation such as 'CV' for Child Victim.
- Medical Records
- Information concerning cause of death shall not be released by members of this agency pending determination by the Coroner's Office, as provided in ORC 313.19.
- Suicide Note – The original suicide shall be copied and forwarded to the Coroner's office with a copy of the Death Report. Suicide notes are to be handled cautiously as they may be processed for fingerprints, trace evidence and/or handwriting analysis. All original suicide notes will be logged into the MTPD property room. Any copies of a suicide note are exempt from public record as provided in ORC 313.10. Any requests for copies should be referred to the Coroner's Office. The Coroner's Office may contact the department and request we forward a copy of the suicide note to a family member. Should this occur, it must be documented on a supplemental narrative to the death report.
- If fingerprints or photographic records of juveniles are taken in accordance with ORC 2151.313, they are not public record.
- LEADS/NCIC Records.
- Information on victims, witnesses or suspects as described in Confidential Law Enforcement Investigatory Records.
- Trial Preparation Records – Any record that contains information that is specifically compiled in reasonable anticipation of, or in defense of, a civil or criminal action or proceeding, including the independent thought processes and personal trial preparation of an attorney.

Miami Township Police Department personnel shall not release the following information unless authorized by the Chief of Police.

- Information concerning the prior criminal record, character or reputation of the accused.
- Mug shot of an accused person.

- Information regarding the existence of any confession, admission of guilt, or statement made by the accused or the failure or refusal by the accused to make a statement.
- Results of any examinations or tests conducted or refusal by the accused to submit to these examinations or tests.
- Information concerning the identity, testimony, or credibility or any prospective witness, excluding if such information would not prejudice an investigation or place the witness in danger.
- Opinions regarding the guilt or innocence of the accused shall not be relayed in any manner.
- Opinions regarding the merits of the case or the quality of evidence gathered.

*Coordinating and Authorizing the Release of Information Concerning Confidential Agency Investigations and Operations*

ORC 149.43 states the following records concerning confidential agency investigations and operations are not public record and are exempt from release:

- Confidential Law Enforcement Investigatory Record – Any record that pertains to a law enforcement matter of a criminal, quasi-criminal, civil or administrative nature, but only to the extent that the release of the record would create a high probability of disclosure of any of the following:
  - The identity of a suspect who has not been charged with the offense to which the record pertains, or of an information source or witness to whom confidentiality has been reasonably promised.
  - Information provided by an information source or witness to whom confidentiality has been reasonably promised, when information would reasonably tend to disclose the source’s or witness’s identity.
  - Specific confidential investigatory techniques or procedures or specific investigatory work product.
  - Information that would endanger the life or physical safety of law enforcement personnel, a crime victim, a witness or a confidential information source.

Agency operations shall include police officer, parole officer, prosecuting attorney, assistant prosecuting attorney, correctional employee, youth services employee, firefighter or EMT familial information.

Agency operations shall include comments or information concerning personnel matters, internal investigations, or personal opinion not founded in fact. No employee shall release these types of information unless specifically directed to do so by the Chief of Police.

### *Procedures for Releasing Information When Other Public Service Agencies are Involved*

Other service agencies refer to all public service agencies, i.e. Fire Department, Coroners Office, Children's Protective Services, etc. In instances where more than one agency is involved, the agency having primary jurisdiction shall be responsible for releasing or coordinating the release of information. The Chief of Police or any other person designated by the Chief of Police may assist the primary agency with preparing information for release to the media concerning the actions of this Department.

### *Guidelines for Use of Social Media by Agency*

Miami Township Police Department endorses the secure use of social media to enhance communication, collaboration and information exchange, streamline processes, and foster productivity. Social media provides a new and potentially valuable means of assisting the department and its personnel in meeting community outreach, problem-solving, investigative, crime prevention and related objectives.

- Social media content shall adhere to applicable laws, regulations, and policies including all information technology and records management policies.
- Pages will clearly indicate that any content posted or submitted for posting is subject to public disclosure.
- Department personnel approved to post on social media platforms will conduct themselves at all times as representatives of the department and, accordingly, shall adhere to all department standards of conduct and observe conventionally accepted protocols and proper decorum.

This policy is not meant to address one particular form of social media rather social media in general, as advances in technology will occur and new tools will emerge.

#### **54.1.2 Policy Input**

The media will be encouraged to submit comments and recommendations concerning development of policies and procedures relating to public information. By allowing media representative to participate in the process, Miami Township can receive input that leads to a more effective working relationship between the Department and media personnel. All input received from media personnel shall be forwarded to the Chief of Police through written communication.

#### **54.1.3 Media Access**

The access of news media representatives, including photographers to Critical Incidents shall be controlled as follows.

The IC shall use department or Township Public Information Officers (PIO) or designate a Public Information Officer 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.

The Incident Commander may allow media past the perimeter of a scene established for the general public and may be allowed to bring their equipment, vehicles, etc. inside the general perimeter as long as their movements will not interfere with control and containment of the scene and as long as their personal safety is not in jeopardy.

The access of news media representatives, including photographers to crime scenes that are not critical incidents shall be controlled by the officer in charge of the scene with the approval of the Chief of Police or his/her designee. No media representatives shall be admitted to a crime scene until all evidence has been processed.

After the evidence has been processed and the scene secured, the media may be allowed past the perimeter of a crime scene established for the general public and may be allowed to bring their equipment, vehicles, etc. inside the general perimeter as long as their movements will not interfere with the investigation and as long as their personal safety is not in jeopardy.

Department personnel shall not permit the media to enter upon private property without the owner's consent to photograph, film or videotape.

#### **54.1.4 Public Information Officer Training**

The person(s) designated as Public Information Officer (PIO) and/or designated PIO(s) shall receive training for the position of PIO.

**DIRECTIVE 55.1  
VICTIM / WITNESS ASSISTANCE  
ADMINISTRATION**

<b>Issue Date: 05/13/2020</b>	<b>By Order of Chief of Police</b>
<b>Rescinds: (Issue 07/24/2009) Pages: 7</b>	<b>CALEA Standards Referenced: 55.1.1 &amp; 55.1.2</b>

**This directive consists of the following sections:**

**[55.1.1 Victim / Witness Assistance](#)**

**[55.1.2 Review Need / Services - Elected 20%](#)**

**POLICY AND PROCEDURE:**

Miami Township Police Department is committed to the development, implementation and perpetuation of appropriate victim and witness assistance programs and activities, which will provide victim and witnesses of crime with all reasonable assistance to protect the victim/witness from harm or further injury; nurture cooperation between police and victim/witness and enhance willingness of the victim/witness to assist in prosecutions.

**[55.1.1 Victim / Witness Assistance](#)**

*[Delivery of Victim/Witness Assistance by Agency Personnel](#)*

Upon first contact with a victim/witness the officer should make an assessment of the person's immediate needs. These needs may range from reassurance from the officer to emergency medical care. The officer should respond quickly, listen attentively, show concern, reassure and help the person overcome their sense of fear and helplessness. Officers should avoid insensitive and unnecessary questioning and any comments, attitudes or actions that suggest the person contributed to their victimization.

Miami Township Police Department maintains victim of crime packets that contain information and resources available at both the State and County level. Officers will supply information to the victim/witness about applicable rights and services that are available to them.

Miami Township Police Department maintains a list of resource agencies to provide employees of the department with a reference of agencies to which persons can be referred for assistance, when the assistance is requested or required.

### *Confidentiality of Victim/Witnesses in Case Development*

Victim/Witness records will remain confidential pursuant to Ohio Revised Code 149.43. Confidential law enforcement investigatory record means any record that pertains to a law enforcement matter of a criminal, quasi-criminal, civil, or administrative nature, but only to the extent that the release of the record would create a high probability of disclosure of any of the following:

- The identity of a suspect who has not been charged with the offense to which the record pertains, or of an information source or witness to whom confidentiality has been reasonably promised.
- Information provided by an information source or witness to whom confidentiality has been reasonably promised, which information would reasonably tend to disclose the source's or witness's identity.
- Specific confidential investigatory techniques or procedures or specific investigatory work product.
- Information that would endanger the life or physical safety of law enforcement personnel, a crime victim, a witness, or a confidential information source.

### *Agency Efforts to Inform Public and Media of Assistance Services*

The Miami Township Police will periodically inform the public and media services of the Department's victim/witness assistance services. The Support Services Supervisor shall be responsible for informing the public through the news media, articles, brochures or other appropriate means of rights and availability of victim/witness services.

### *Relationship Between Agency and Victim/Witness Efforts of Other Agencies & Organizations*

In Ohio, statewide organizations and local agencies exist to assist victim/witnesses in dealing with the emotional, financial and legal consequences of victimization. The Ohio Attorney General Crime Victim Services Section, the Clermont County Prosecutor and the YMCA Court Advocacy Program have victim witness services available. The Investigations Supervisor shall be responsible for these liaison efforts and for maintaining an ongoing channel of communication by which to offer or receive suggestions about how the department can effectively work with these outside sources to better serve the victim/witness.

### *Summary of Victim and Witness Rights*

#### **Ohio Revised Code 109.42, Compilation of Statues Relative to Victim's Rights**

ORC 109.42 is a compilation of all statues relative to victim's and witnesses' rights in the State of Ohio.

(A) The attorney general shall prepare and have printed a pamphlet that contains a compilation of all statutes relative to victim's rights in which the attorney general lists and explains the statutes in the form of a victim's bill of rights. The attorney general shall distribute the pamphlet to all sheriffs, marshals, municipal corporation and township police departments, constables, and other law enforcement agencies, to all prosecuting attorneys, city directors of law, village solicitors, and other similar chief legal officers of municipal corporations, and to organizations that represent or provide services for victims of crime. The victim's bill of rights set forth in the pamphlet shall contain a description of all of the rights of victims that are provided for in Chapter 2930 or in any other section of the Revised Code and shall include, but not be limited to, all of the following:

(1) The right of a victim or a victim's representative to attend a proceeding before a grand jury, in a juvenile case, or in a criminal case pursuant to a subpoena without being discharged from the victim's or representative's employment, having the victim's or representative's employment terminated, having the victim's or representative's pay decreased or withheld, or otherwise being punished, penalized, or threatened as a result of time lost from regular employment because of the victim's or representative's attendance at the proceeding pursuant to the subpoena, as set forth in section 2151.211, 2930.18, 2939.121, or 2945.451 of the Revised Code;

(2) The potential availability pursuant to section 2151.359 or 2152.61 of the Revised Code of a forfeited recognizance to pay damages caused by a child when the delinquency of the child or child's violation of probation or community control is found to be proximately caused by the failure of the child's parent or guardian to subject the child to reasonable parental authority or to faithfully discharge the conditions of probation or community control;

(3) The availability of awards of reparations pursuant to sections 2743.51 to 2743.72 of the Revised Code for injuries caused by criminal offenses;

(4) The right of the victim in certain criminal or juvenile cases or a victim's representative to receive, pursuant to section 2930.06 of the Revised Code, notice of the date, time, and place of the trial or delinquency proceeding in the case or, if there will not be a trial or delinquency proceeding, information from the prosecutor, as defined in section 2930.01 of the Revised Code, regarding the disposition of the case;

(5) The right of the victim in certain criminal or juvenile cases or a victim's representative to receive, pursuant to section 2930.04, 2930.05, or 2930.06 of the Revised Code, notice of the name of the person charged with the violation, the case or docket number assigned to the charge, and a telephone number or numbers that can be called to obtain information about the disposition of the case;

(6) The right of the victim in certain criminal or juvenile cases or of the victim's representative pursuant to section 2930.13 or 2930.14 of the Revised Code, subject to any reasonable terms set by the court as authorized under section 2930.14 of the Revised

Code, to make a statement about the victimization and, if applicable, a statement relative to the sentencing or disposition of the offender;

(7) The opportunity to obtain a court order, pursuant to section 2945.04 of the Revised Code, to prevent or stop the commission of the offense of intimidation of a crime victim or witness or an offense against the person or property of the complainant, or of the complainant's ward or child;

(8) The right of the victim in certain criminal or juvenile cases or a victim's representative pursuant to sections 2151.38, 2929.20, 2930.10, 2930.16, and 2930.17 of the Revised Code to receive notice of a pending motion for judicial release or early release of the person who committed the offense against the victim, to make an oral or written statement at the court hearing on the motion, and to be notified of the court's decision on the motion;

(9) The right of the victim in certain criminal or juvenile cases or a victim's representative pursuant to section 2930.16, 2967.12, 2967.26, or 5139.56 of the Revised Code to receive notice of any pending commutation, pardon, parole, transitional control, discharge, other form of authorized release, post-release control, or supervised release for the person who committed the offense against the victim or any application for release of that person and to send a written statement relative to the victimization and the pending action to the adult parole authority or the release authority of the department of youth services;

(10) The right of the victim to bring a civil action pursuant to sections 2969.01 to 2969.06 of the Revised Code to obtain money from the offender's profit fund;

(11) The right, pursuant to section 3109.09 of the Revised Code, to maintain a civil action to recover compensatory damages not exceeding ten thousand dollars and costs from the parent of a minor who willfully damages property through the commission of an act that would be a theft offense, as defined in section 2913.01 of the Revised Code, if committed by an adult;

(12) The right, pursuant to section 3109.10 of the Revised Code, to maintain a civil action to recover compensatory damages not exceeding ten thousand dollars and costs from the parent of a minor who willfully and maliciously assaults a person;

(13) The possibility of receiving restitution from an offender or a delinquent child pursuant to section 2152.20, 2929.18, or 2929.28 of the Revised Code;

(14) The right of the victim in certain criminal or juvenile cases or a victim's representative, pursuant to section 2930.16 of the Revised Code, to receive notice of the escape from confinement or custody of the person who committed the offense, to receive that notice from the custodial agency of the person at the victim's last address or telephone number provided to the custodial agency, and to receive notice that, if either

the victim's address or telephone number changes, it is in the victim's interest to provide the new address or telephone number to the custodial agency;

(15) The right of a victim of domestic violence to seek the issuance of a civil protection order pursuant to section 3113.31 of the Revised Code, the right of a victim of a violation of section 2903.14, 2909.06, 2909.07, 2911.12, 2911.211, or 2919.22 of the Revised Code, a violation of a substantially similar municipal ordinance, or an offense of violence who is a family or household member of the offender at the time of the offense to seek the issuance of a temporary protection order pursuant to section 2919.26 of the Revised Code, and the right of both types of victims to be accompanied by a victim advocate during court proceedings;

(16) The right of a victim of a sexually oriented offense or of a child-victim oriented offense that is committed by a person who is convicted of, pleads guilty to, or is adjudicated a delinquent child for committing the offense and who is in a category specified in division (B) of section 2950.10 of the Revised Code to receive, pursuant to that section, notice that the person has registered with a sheriff under section 2950.04, 2950.041, or 2950.05 of the Revised Code and notice of the person's name, the person's residence that is registered, and the offender's school, institution of higher education, or place of employment address or addresses that are registered, the person's photograph, and a summary of the manner in which the victim must make a request to receive the notice. As used in this division, "sexually oriented offense" and "child-victim oriented offense" have the same meanings as in section 2950.01 of the Revised Code.

(17) The right of a victim of certain sexually violent offenses committed by an offender who also is convicted of or pleads guilty to a sexually violent predator specification and who is sentenced to a prison term pursuant to division (A)(3) of section 2971.03 of the Revised Code, of a victim of a violation of division (A)(1)(b) of section 2907.02 of the Revised Code committed on or after January 2, 2007, by an offender who is sentenced for the violation pursuant to division (B)(1)(a), (b), or (c) of section 2971.03 of the Revised Code, of a victim of an attempted rape committed on or after January 2, 2007, by an offender who also is convicted of or pleads guilty to a specification of the type described in section 2941.1418, 2941.1419, or 2941.1420 of the Revised Code and is sentenced for the violation pursuant to division (B)(2)(a), (b), or (c) of section 2971.03 of the Revised Code, and of a victim of an offense that is described in division (B)(3)(a), (b), (c), or (d) of section 2971.03 of the Revised Code and is committed by an offender who is sentenced pursuant to one of those divisions to receive, pursuant to section 2930.16 of the Revised Code, notice of a hearing to determine whether to modify the requirement that the offender serve the entire prison term in a state correctional facility, whether to continue, revise, or revoke any existing modification of that requirement, or whether to terminate the prison term. As used in this division, "sexually violent offense" and "sexually violent predator specification" have the same meanings as in section 2971.01 of the Revised Code.

(B)(1)(a) Subject to division (B)(1)(c) of this section, a prosecuting attorney, assistant prosecuting attorney, city director of law, assistant city director of law, village solicitor,

assistant village solicitor, or similar chief legal officer of a municipal corporation or an assistant of any of those officers who prosecutes an offense committed in this state, upon first contact with the victim of the offense, the victim's family, or the victim's dependents, shall give the victim, the victim's family, or the victim's dependents a copy of the pamphlet prepared pursuant to division (A) of this section and explain, upon request, the information in the pamphlet to the victim, the victim's family, or the victim's dependents.

(b) Subject to division (B)(1)(c) of this section, a law enforcement agency that investigates an offense or delinquent act committed in this state shall give the victim of the offense or delinquent act, the victim's family, or the victim's dependents a copy of the pamphlet prepared pursuant to division (A) of this section at one of the following times:

(i) Upon first contact with the victim, the victim's family, or the victim's dependents;

(ii) If the offense or delinquent act is an offense of violence, if the circumstances of the offense or delinquent act and the condition of the victim, the victim's family, or the victim's dependents indicate that the victim, the victim's family, or the victim's dependents will not be able to understand the significance of the pamphlet upon first contact with the agency, and if the agency anticipates that it will have an additional contact with the victim, the victim's family, or the victim's dependents, upon the agency's second contact with the victim, the victim's family, or the victim's dependents.

If the agency does not give the victim, the victim's family, or the victim's dependents a copy of the pamphlet upon first contact with them and does not have a second contact with the victim, the victim's family, or the victim's dependents, the agency shall mail a copy of the pamphlet to the victim, the victim's family, or the victim's dependents at their last known address.

(c) In complying on and after December 9, 1994, with the duties imposed by division (B)(1)(a) or (b) of this section, an official or a law enforcement agency shall use copies of the pamphlet that are in the official's or agency's possession on December 9, 1994, until the official or agency has distributed all of those copies. After the official or agency has distributed all of those copies, the official or agency shall use only copies of the pamphlet that contain at least the information described in divisions (A)(1) to (17) of this section.

(2) The failure of a law enforcement agency or of a prosecuting attorney, assistant prosecuting attorney, city director of law, assistant city director of law, village solicitor, assistant village solicitor, or similar chief legal officer of a municipal corporation or an assistant to any of those officers to give, as required by division (B)(1) of this section, the victim of an offense or delinquent act, the victim's family, or the victim's dependents a copy of the pamphlet prepared pursuant to division (A) of this section does not give the victim, the victim's family, the victim's dependents, or a victim's representative any rights under section 2743.51 to 2743.72, 2945.04, 2967.12, 2969.01 to 2969.06, 3109.09,

or 3109.10 of the Revised Code or under any other provision of the Revised Code and does not affect any right under those sections.

(3) A law enforcement agency, a prosecuting attorney or assistant prosecuting attorney, or a city director of law, assistant city director of law, village solicitor, assistant village solicitor, or similar chief legal officer of a municipal corporation that distributes a copy of the pamphlet prepared pursuant to division (A) of this section shall not be required to distribute a copy of an information card or other printed material provided by the clerk of the court of claims pursuant to section 2743.71 of the Revised Code.

(C) The cost of printing and distributing the pamphlet prepared pursuant to division (A) of this section shall be paid out of the reparations fund, created pursuant to section 2743.191 of the Revised Code, in accordance with division (D) of that section.

(D) As used in this section:

(1) “Victim’s representative” has the same meaning as in section 2930.01 of the Revised Code;

(2) “Victim advocate” has the same meaning as in section 2919.26 of the Revised Code.

#### **55.1.2 Review Need / Services – Elected 20%**

Miami Township Police Department has elected this as a 20% Standard for Review Need/Services.

**DIRECTIVE 55.2  
VICTIM / WITNESS ASSISTANCE  
OPERATIONS**

<b>Issue Date: 05/13/2020</b>	<b>By Order of Chief of Police</b>
<b>Rescinds: (Issue 08/27/2015)</b>	<b>CALEA Standards</b>
<b>Pages: 13</b>	<b>Referenced: 55.2.1; 55.2.2; 55.2.3; 55.2.4; 55.2.5 &amp; 55.2.6</b>

**This directive consists of the following sections:**

- 55.2.1 Initial Assistance**
- 55.2.2 Assistance, Threats**
- 55.2.3 Assistance, Preliminary Investigation**
- 55.2.4 Assistance, Follow-Up Investigation**
- 55.2.5 Assistance, Suspect Arrest**
- 55.2.6 Next of Kin Notification**

**POLICY AND PROCEDURE:**

Miami Township Police Department is committed to the goal that victim/witnesses receive professional handling consistent with their important investigative and prosecutorial role. The Department must make every reasonable effort to assure that the personal rights and safety of the victim or witness are protected by its actions. Department members are to be particularly sensitive to the special needs of the victim and families of crimes such as domestic violence, child abuse, sexual assault and abuse of the elderly because of their effect on the delicate structure of the family unit and the community in general.

It is the policy of the Miami Township Police Department to treat victims and witnesses with fairness, compassion and dignity. The Department is committed to the development, implementation and perpetuation of appropriate victim/witness assistance programs and activities, which will provide victims and witnesses of crime with all reasonable assistance.

**55.2.1 Initial Assistance**

Miami Township Police Department personnel have access to agency and other organizations victim/witness assistance information. Community members can also receive this information via the main business phone number.

### *Information Regarding Assistance Supplied by the Agency Directly*

The Miami Township Police Department makes the following victim/witness assistance information available 24 hours a day by the agency directly:

- Emergency or routine response as needed to calls for assistance or information.
- Crime Victim Information Packet
  - Your Rights & Responsibilities as a Crime Victim.
  - Victim Information & Notification Everyday (VINE).
  - Clermont County Victim Assistance Brochure.
  - Crisis Information Service Directory & 24-Hour Hotline Resources.

### *Referral Information Regarding Services by Other Organizations*

It is the policy of the Clermont County Department of Public Safety Services (CDPSS) to maintain a current list of telephone numbers of emergency service agencies. These numbers are immediately available to all CDPSS personnel in the CAD Dialer File.

### **55.2.2 Assistance, Threats**

All personnel will treat threats or a victim/witnesses concern of intimidation or further victimization with sensitivity and concern. Personnel will provide appropriate assistance to victim/witnesses who have been threatened or who express specific, credible reasons for fearing intimidation or further victimization. Protective measures may be implemented and extended within the jurisdictional boundaries of Miami Township to protect persons to whom there is a real and tangible danger of serious physical harm. The specific level of danger of physical harm required to implement affirmative protective measures will be determined by the shift supervisor based on the facts and circumstances of each individual case that arises.

An information or incident/offense report will be completed so as to disseminate such information to all department personnel.

Protective measures may include but are not limited to the following:

- Recording and/or tracing of phone threats.
- Additional or directed patrol and or fixed surveillance in the area of the victim/witness neighborhood, home or place of business.
- Escorts or surveillance upon request from the victim's home, business or their vehicle, to ensure that they are not being followed.
- Persuading the victim to take up temporary residence at a safe location until a court injunction be obtained or an arrest made.
- Coercive protective detention and custody of a material witness to a homicide or other serious felony, when a likelihood that there will be violence against the

victim/witness. Coercive protective detention and custody requires the permission of the Chief of Police and the Clermont County Prosecutor.

- Advise the victim of the availability of Protection Orders or take Protection Order enforcement, if needed.
  - The officer shall advise the victim of an incident of domestic violence; or an offense of assault, menacing by stalking, or aggravated trespass which involves a person who was a family or household member, of the availability of a temporary protection order or civil protection order and how to obtain such order.
  - Should the victim request a protection order but is unable to appear before the court because of hospitalization or a medical condition resulting from the incident, the officer shall inform the victim that another person may appear on their behalf.
  - The officer shall inform the victim that during all stages of a proceeding dealing with a protection order that they may be accompanied by a person to provide support to them.
  - Officers shall enforce protection orders issued by any Ohio court, regardless of whether the order is issued or registered in the county in which the agency is located.
  - The Ohio Revised Code allows the complainant of a protection order to file a notice of the issuance of a protection order with any law enforcement official in any county other than the county in which the order is issued.
    - An officer who receives such notification shall request the complainant to provide this department with the contact information of the court issuing such protection order along with the law enforcement agency of jurisdiction to which the original protection order would have been issued. The complainant shall be requested to provide this agency with a copy of the protection order. The officer will place the copy in the binder in the squad room where current protection orders and consent agreements are kept.
    - Failure of the complainant to provide any of the requested information does not relieve officers from the duty to enforce, pursuant to the Ohio Revised Code, a valid protection order.
- If the victim is a juvenile, a Juvenile Civil Protection Order [ORC 2151.34] or a Domestic Violence Civil Protection Order [ORC 3113.31] may be requested through Juvenile Court. Law enforcement officers shall advise juvenile victims of the availability of these protection orders when investigating offenses of felonious

assault, aggravated assault, menacing, menacing by stalking, menacing, aggravated trespass, sexually oriented offenses and domestic violence. Information on obtaining these protection orders is included in the Victim/Witness Assistance Packet which shall be given to juvenile victims of the listed offenses.

- Juvenile protection orders must be filed in the County where the alleged victim resides and the respondent must be under the age of 18.
- Violation of a Juvenile protection order/consent agreement is subject to contempt, delinquency proceeding or criminal prosecution under ORC 2919.27.
- Victim advocate may attend hearings.
- A Juvenile Civil Protection Order may be filed by minor, parent, or adult family member or any other person the court determines is appropriate to seek relief for a child.
- A Domestic Violence Civil Protection Order may be filed by minor, parent or adult family member.

Whenever an officer of the Miami Township Police Department becomes aware of potential physical danger to a victim/witness who resides in another jurisdiction, the officer shall:

- Contact a supervisor of the appropriate law enforcement jurisdiction and advise them of the circumstances of the incident, the nature of the threat and request that reasonable precautions or protective measures be taken by that agency. Document the name of the agency contacted, name of persons advised and the information given them. This information will be given to the case investigator and placed in the case file.
- Request that the agency contacted forward to this department, directly to the investigating officer if available, any information regarding the victim/witness.
- Should the other jurisdiction be within Clermont County, the officer receiving such information shall contact the CDPSS and advise their on-duty supervisor of the available information and location of the potential threat. The officer shall request that dispatch personnel be made aware of the information, should a call be received in reference to activity from the location.

When this agency is contacted by another agency in reference to potential physical danger to a victim/witness who lives or works in Miami Township, the Department will:

- Document the name of the department requesting the assistance, the investigating officer's name, the name of the person requesting the assistance and a 24-hour contact phone number.

- Obtain as much information as possible about the victim/witness and the type of crime involving the victim/witness. Confirm that the victim/witness has been made aware of the threat.
- Obtain as much information as possible about the suspect involved as well as the source and reliability of the information concerning the threat.
- The officer receiving such information will complete a report documenting all information supplied by the requesting agency and the information will be placed on an Information/Incident Notice for distribution to all shifts.
- Information concerning the victim/witness will be immediately forwarded to the agency requesting the assistance.

### Domestic Violence & Protection Order Violations

ORC 2935.032 requires that the Miami Township Police Department have a policy regarding violations of domestic violence incidents or protection order violations. Certain requirements are placed upon police officers in these situations. Officers of the Miami Township Police Department responding to calls of domestic violence or violations of protection orders or consent agreements shall:

### Definitions

Domestic Violence means any of the following; A) knowingly cause or attempt to cause physical harm to a family or household member; B) recklessly cause serious physical harm to a family or household member; C) by threat of force, knowingly cause a family or household member to believe that the offender will cause imminent physical harm to the family or household member, D) committing any act with respect to a child that would result in the child being an abused child, as defined in section 2151.031 of the Ohio Revised Code.

Domestic Dispute means that the victim/complainant and a family or household member engaged in a dispute which neither person implied, threatened, attempted or caused physical harm to another family or household member.

Family or Household Member means any of the following who is residing or has resided with the offender; A) Spouse, a person living as a spouse, or a former spouse of the offender; B) Parent or a child of the offender, or another person related by consanguinity or affinity to the offender; C) Parent or a child of a spouse, person living as a spouse, or former spouse of the offender or another person related by consanguinity or affinity to a spouse, person living as a spouse or a former spouse of the offender.

Person Living as a Spouse means a person who is living or has lived with the offender in a common-law marital relationship (including same sex couples), who otherwise are cohabiting with the offender, who otherwise has cohabited with the offender within five years prior to the date of the alleged commission of the act in question, or who is the natural parent of the offender's child.

### Response

Officers will respond without undue delay to all reported alleged incidents of domestic

violence and/or violation of a protection order or consent agreement pursuant to this department's policy regarding vehicle operation. Upon arrival the officer(s) shall conduct an investigation into the incident to determine if an incident of Domestic Dispute, Domestic Violence and/or Violation of a Protection Order occurred. Should such investigation find reasonable grounds that such act(s) occurred then the officer(s) shall take the appropriate action pursuant to this policy and/or the requirements of the Ohio Revised Code.

An officer has reasonable grounds to believe that an incident of domestic violence or a violation of a protection order has occurred if: a) a person executes a written statement alleging domestic violence or a violation of a protection order; b) no written statement is executed, but the officer, based upon trustworthy information given to them by the alleged victim or witness to the offense concludes that there are reasonable grounds; c) the officer witnessed the offense.

### Reporting Requirements

An officer shall file a written report or make a computerized data entry upon the establishment, or receiving a report from any person, that an incident of Domestic Dispute, Domestic Violence or Violation of a Protection Order has occurred. This report shall document the incident, the reporting officer's observation of the persons involved, visible injuries, any weapons involved or alleged to be involved, statements obtained from all involved persons and witnesses of the incident. The officer shall document in writing with the report when such required information is not obtained.

An officer shall not require that the victim consent to the filing of charges or sign a complaint against the violator as a prerequisite to filing a report or executing an arrest pursuant to an act of domestic violence.

An officer shall take a written statement containing information as to the incident being reported and information which indicates: a) the frequency and severity of any prior incidents; b) the number of times the victim has called for assistance; c) the disposition of those requests for assistance, if known, from each victim of an incident of domestic violence or violation of a protection order.

When an officer has reasonable grounds to make an arrest of the person(s) involved in the domestic violence or violation of protection order incident, but does not make an arrest, the reporting officer shall indicate in the written report of the incident a statement detailing the reasons for not making such arrest(s).

The officer shall, when the alleged offender has been granted pretrial release of a prior charge of domestic violence or violating a protection order and has violated one or more conditions of the pretrial release, document in writing the facts and circumstances of the violation in the report of the incident.

### Investigation Procedure

Upon arrival, the officer shall separate the victim and the offender into different areas at

the scene. Such separation should remove the victim and offender from the sight and sound of each other.

Conduct interviews with the victim, offender and witnesses; each separate and apart from each other. A written statement may be obtained from each person involved to record victim's statements. Should a person refuse to provide a written statement to an officer, the officer shall document this refusal, and shall personally document on a supplemental report to the incident report any relevant statements about the incident made by the person refusing to provide a written statement.

Evidence will be collected and processed by officers in the same manner as would occur in the investigation of any other crime and pursuant to department evidence handling procedures. Evidence shall include, but not be limited to: documented observation of the injury or injuries of the victim(s) including any medical examination which corroborates the injury; evidential articles that substantiate the incident including any weapon or any item, thing or device used as a weapon; photographs taken of injuries or of the scene; and/or a written description of the scene.

#### Determination of Offense

When an officer has determined that there are reasonable grounds to believe an offense of domestic violence or violation of a protection order has occurred and the person who committed the offense is present or reasonably accessible the preferred course of action shall be for the officer to arrest the person who committed the offense. If there are reasonable grounds to believe that family or household members have committed the offense, the preferred course of action shall be for the officer to arrest the primary physical aggressor if present or cause an arrest warrant to be filed if the aggressor has fled.

In determining who is the primary physical aggressor the officer should consider all relevant circumstances including: a) 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, b) whether the alleged violence was caused by a person acting in self-defense, c) each person's fear of physical harm, if any, resulting from the other person's threatened use of force against any person or resulting from the other person's use or history of the use of force against any person, and the reasonableness of that fear, and d) the comparative severity of any injuries suffered by the person(s) involved in the alleged offense.

Upon investigation of an incident where the officer has determined that there are reasonable grounds to believe an offense of domestic violence, violation of a protection order or violation of a consent agreement has occurred and there are reasonable grounds to believe that a person knowingly caused serious physical harm to another or knowingly caused or attempted to cause physical harm to another by means of a deadly weapon or dangerous ordnance, as defined in section 2923.11 of the Ohio Revised Code, then, regardless of whether the victim of the offense was a family or household member of the offender, the officer shall treat the incident as felonious assault, shall consider the

offender to have committed and the victim to have been the victim of felonious assault, shall consider the offense that was committed to have been felonious assault in determining the manner in which the offender should be treated, and shall comply with whichever is applicable:

- Unless the officer has probable cause to believe that, during the incident, the offender who committed the felonious assault and one or more other persons committed offenses against each other, the officer shall arrest the offender who committed the felonious assault pursuant to section 2935.03 of the Ohio Revised Code and shall detain the offender pursuant to that section until a warrant can be obtained, and the arrest shall be for felonious assault.
- If the officer has probable cause to believe that, during the incident, the offender who committed the felonious assault and one or more other persons committed offenses against each other, the officer shall determine in accordance with Division (B) (3) (d) of section 2935.03 of the Ohio Revised Code which of those persons is the primary physical aggressor, if the offender who committed the felonious assault is the primary physical aggressor, the officer shall arrest that offender for Felonious Assault pursuant to section 2935.03 of the Ohio Revised Code and shall detain the offender pursuant to that section until a warrant can be obtained, and the officer is not required to arrest but may arrest pursuant to section 2935.03 of the Ohio Revised Code any other person who committed an offense but who is not the primary physical aggressor. If the offender who committed the felonious assault is not the primary physical aggressor, the officer is not required to arrest that offender nor any other person who committed an offense during the incident but may arrest any of them pursuant to section 2935.03 of the Ohio Revised Code and detain them pursuant to that section until a warrant can be obtained.

Upon investigation of an incident where the officer has determined that there are reasonable grounds to believe an incident of domestic violence, violation of a protection order or violation of a consent agreement has occurred and that there are reasonable grounds to believe that a person, while under the influence of sudden passion or in a sudden fit of rage, either of which is brought on by serious provocation occasioned by the victim that is reasonably sufficient to incite the person into using deadly force, knowingly caused serious physical harm to another or knowingly caused or attempted to cause physical harm to another by means of a deadly weapon or dangerous ordnance, as defined in section 2923.11 of the Ohio Revised Code, then, regardless of whether the victim of the offense was a family or household member of the offender, the officer shall treat the incident as aggravated assault, shall consider the offender to have committed and the victim to have been the victim of aggravated assault, shall consider the offense that was committed to have been aggravated assault in determining the manner in which the offender should be treated, and shall comply with which ever of the following is applicable:

- Unless the officer has reasonable cause to believe that, during the incident, the offender who committed the aggravated assault and one or more other persons committed offenses against each other, the officer shall arrest the offender who

committed the aggravated assault pursuant to section 2935.03 of the Ohio Revised Code and shall detain him pursuant to that section until a warrant can be obtained, and the arrest shall be for aggravated assault.

- If the officer has reasonable cause to believe that, during the incident, the offender who committed the felonious assault and one or more other persons committed offenses against each other, the officer shall determine in accordance with Division (B) (3) (d) of Section 2935.03 of the Ohio Revised Code which of those persons is the primary physical aggressor, if the offender who committed the aggravated assault is the primary physical aggressor, the officer shall arrest that offender for aggravated assault pursuant to section 2935.03 of the Ohio Revised Code and shall detain the offender pursuant to that section until a warrant can be obtained, and the officer is not required to arrest but may arrest pursuant to section 2935.03 of the Ohio Revised Code any other person who committed an offense but who is not the primary physical aggressor. If the offender who committed the aggravated assault is not the primary physical aggressor, the officer is not required to arrest that offender or any other person who committed an offense during the incident but may arrest any of them pursuant to section 2935.03 of the Ohio Revised Code and detain them pursuant to that section until a warrant can be obtained.

When investigating an incident of domestic violence where the officer determines that a deadly weapon has been used or displayed the officer shall seize the weapon as contraband pursuant to Section 2935.03. The officer shall file any charges appropriate for the possession, display, use or misuse of the weapon.

Should the determination be that the incident was one of a Domestic Dispute the officer shall complete a report of domestic dispute, indicating that the person(s) involved were advised of the domestic violence statute and that the complainant or person(s) involved indicated that no offense of domestic violence occurred.

- The officer shall provide to the person(s) involved information as to obtaining assistance to resolve future disputes (Counseling Center, Women's Helpline, etc.) by providing a copy of the Victim Assistance Program pamphlet provided by the Victim Assistance Program.

To provide for acceptable alternatives to arrest, an officer may elect not to arrest in a domestic violence situation where no serious physical harm has occurred or weapon been used, if the victim(s) and offender(s) involved in the incident agree that the situation can be resolved without arrest.

- If any alternative to arrest is utilized, the facts supporting the action(s) of the officer(s) shall be completely documented.
- The reporting officer shall provide information as to obtaining assistance to resolve current and future disputes (Counseling Center, Women's Helpline, etc.).
- Any alternative to arrest shall be approved by the shift supervisor.

- When an alternative to arrest is used all required paperwork utilized to document a domestic violence complaint shall be completed.

Unless the arrest is required by law, when an arrest is the preferred course of action the officer may choose not to effect an arrest when due to exigent circumstances the arrest would create a condition which would prevent the effective and efficient delivery of law enforcement services to the citizenry to the extent that such condition would pose a threat to the safety and security of the citizenry as a whole.

Officers may not fail to arrest an offender when the arrest of the offender is warranted or required by this policy because of a shortage of detention facility space or that the arrest would contribute or cause such a shortage of space.

### **55.2.3 Assistance, Preliminary Investigation**

The Miami Township Police Department will provide the following services to victim/witnesses, at a minimum, during preliminary investigations. Upon completion of the initial investigation, the officer shall do all of the following:

- Give information to the victim/witness about applicable services which would include but not limited to compensation programs, counseling programs, county victim advocacy programs, etc. through referral and/or issuance of the crime victim packet.
- Advise the victim what to do should the suspect or others threaten or otherwise intimidate them. Provide the victim with a business card with the emergency response telephone number.
- Provide information on how to obtain the report number of the incident and explain fully the subsequent steps in the processing of the case.
- Provide the victim the reporting officer's name, and the telephone number of the police department (this can be accomplished by giving the victim the officer's business card). Advise victim they may call to report additional information or to receive information regarding the status of the case.

### **55.2.4 Assistance, Follow-Up Investigation**

The Miami Township Police Department will provide the following services, at a minimum, during the follow up investigation:

- If in the opinion of the investigating officer, supervisor or other competent authority, the impact of a crime on a victim/witness has been unusually severe, the investigating officer shall make periodic contact to determine whether the victim/witnesses needs are being met and/or additional assistance is needed.
- Provide an explanation to the victim/witness of the procedures involved in the prosecution of their case and their role in those procedures, unless such explanation would interfere with the appropriate and successful prosecution of the case.

- When possible, schedule interviews, line-ups and other required contacts or appearances at the victim/witness' convenience. Provide transportation as necessary for such needs.
- When possible and as permitted by law or rules of evidence, promptly return property to the victim/witness which was taken as evidence.
- Whenever necessary and reasonable, arrange for a victim/witness advocate to assist the victim/witness during follow-up investigation.
- If required, ensure copies of incident and supplement reports are forwarded to local prosecutor's office

### **55.2.5 Assistance, Suspect Arrest**

The case investigator when possible and appropriate will contact the victim/witness when a suspect is arrested, the charges filed and the arrested suspect is in custody.

Whenever the investigating officer becomes aware of changes in the arrested person's custody status, the officer shall attempt to notify the victim or witness of the current status and location of the offender, if known.

Witnesses and victims should be notified in person or by phone of all required upcoming court appearances as soon as possible in advance of scheduled appearances by personal contact by the investigating officer and/or the arresting officer. Such notification should not be left up to the court or the prosecutor but should be made by police in addition to other agencies.

Officers should be prepared and voluntarily provide any information on the criminal justice system and concerning the victim/witnesses' responsibilities. Other information or services should be provided, such as directions to the courthouse and courtroom; and, when necessary, translators for deaf persons or persons who do not speak or understand English. Victims and witnesses should be notified of court advocacy availability, if needed.

Officers may discuss with and encourage the prosecutor to include victims in plea bargaining situations, whenever possible. In the event that a plea bargain is made, the officer should attempt to explain the situation to the victim/witness.

The Investigating Officer will ensure that contact is made with victims/witnesses involved in criminal prosecutions notifying them of the disposition of the case and expressing the appreciation of the police department for their participation in the prosecution of the offense.

### **55.2.6 Next of Kin Notification**

All notifications of next of kin of deceased, seriously ill or injured persons shall be carried out promptly and in a considerate manner. When possible and/or requested, assistance should be obtained from the clergy, a relative or close friend of the person notified.

Notification requests from another law enforcement agency should be backed by a teletype message, fax message, or some other form of confirmation. Non law enforcement agencies should be asked to provide similar confirmation. The notification shall not be unduly delayed while awaiting confirmation. If possible, a person representing the requesting agency may accompany the Miami Township Officer on the notification.

The following procedures should be considered when making notification of accidents, seriously ill or injured persons, or of a death, regardless of where the incident occurred.

- Gather medical information about the family, if possible, perhaps through the office of a physician named in the injured or deceased's billfold or purse. This can prepare you if the person to be notified has been a heart patient or has some other health calamity that may be aggravated by the notification. If a physician is identified, ask the physician to accompany you on the notification, if possible.
- Go to the family and make the notification in person. Do not call the family.
- Go in pairs. If available, take one of these persons, in this order of preference:
  - Department Chaplain
  - The Family's Clergy
  - Another Family Member or Close Friend
  - Victim/Witness Advocate
  - Command Staff Member
  - Shift Supervisor
  - Another Officer on the Shift
- Discuss your feelings with the notification partner on the way to the notification. Expressing your own anger and fears in advance will help you in the delivery of the news.
- After identifying yourself, ask to enter. Try to avoid making the notification on the doorstep.
- Sit down with the family once inside. Never make the notification while family members are standing.
- Inform simply, and directly, such as, "I'm very sorry to inform you I have come with some bad news. Your (kin's relationship) has (taken ill, been injured, been involved in an accident, has died)."
- Restraint is usually only necessary in the event the subject tries to harm themselves or another.
- Answer all questions as honestly as possible.
- Offer to make calls or be of any other assistance possible.
- Do not leave the family alone. Stay until some other family members, friends or clergy have arrived.
- If identification of a body is required, offer to transport or assist the family member to the identification site.
- The next day, call back and offer further updates or offers of assistance. Above

all, let the family know you care. Should you not be available to make contact the next day, arrangements are to be made through the shift supervisor for a department member to make contact the following day.

- Supervisors should not hurry this process. If done correctly, it could take an hour or more.
- If the family is not home when you go to make a notification:
  - Contact neighbors and ask if they know when the family may return, or where they can be reached. Neighbors may also know where the family attends church, giving you means to contact the family clergy to assist you.
  - Look for clues such as real estate signs that could indicate the family is out of the area.

# DIRECTIVE 61.1 TRAFFIC ENFORCEMENT

<b>Issue Date: 06/08/2020</b>	<b>By Order of Chief of Police</b>
<b>Rescinds: (Issue 04/02/2019)</b>	<b>CALEA Standards Referenced: 61.1.1; 61.1.2; 61.1.3; 61.1.4; 61.1.5; 61.1.6; 61.1.7; 61.1.8; 61.1.9; 61.1.10; 61.1.11 &amp; 61.1.12</b>
<b>Pages: 26</b>	

**This directive consists of the following sections:**

- 61.1.1 Selective Enforcement Activities**
- 61.1.2 Uniform Enforcement Procedures**
- 61.1.3 Violator Procedures**
- 61.1.4 Informing the Violator**
- 61.1.5 Uniform Enforcement Policies**
- 61.1.6 Enforcement Practices**
- 61.1.7 Stopping/Approaching**
- 61.1.8 Speed Measuring Devices**
- 61.1.9 Impaired Driver Enforcement Program**
- 61.1.10 DUI Procedures**
- 61.1.11 License Reexamination Referrals**
- 61.1.12 Parking Enforcement**

## **POLICY AND PROCEDURE:**

The goal of the Miami Township Police Department for traffic enforcement is to reduce traffic crashes and increase voluntary compliance with traffic laws. This may be achieved through the analysis of traffic crash factors, application of such techniques as scientific/geographical/temporal assignment of personnel and equipment, the establishment of preventive patrols and procedures to deal with specific categories of unlawful driving behavior. The techniques used should be based upon crash data, enforcement activity records, traffic volume and conditions.

### **61.1.1 Selective Enforcement Activities**

The Patrol Division Supervisor or his/her designee will be responsible for traffic crash and enforcement analysis for the department. Other personnel may be assigned as necessary to conduct statistical analysis of traffic collision and enforcement data for the program evaluations.

### *Compilation and Review of Traffic Collision Data*

The analysis of traffic crash reports will be conducted monthly and include geographic, temporal and causative factors, such as:

- Month, day and hour.
- Location, weather and road conditions.
- Actions of drivers, occupants or pedestrians.
- Violations of laws.
- Other information as gathered from the crash summaries submitted to the Miami Township Police Department by the State of Ohio; based on the Ohio Traffic Collision reports submitted by individual officers.

### *Compilation and Review of Traffic Enforcement Data*

The analysis of traffic enforcement activities will be conducted monthly and include a review of enforcement actions, to include:

- Enforcement of laws.
- Enforcement by location, roadway type and district.
- Enforcement by day of week and shifts.
- Enforcement by job assignment.
- Enforcement by gender, age and race.

### *Comparison of Collision Data and Enforcement Data*

Comparison of enforcement applied to identified high traffic collision or violations areas shall be conducted and reported in these monthly reports. By examining and comparing these summaries, the Patrol Division Supervisor can assist the patrol officers in setting selective enforcement countermeasures, utilizing resources and gauging the effectiveness of traffic programs.

### *Implementation of Selective Enforcement Techniques and Procedures*

Selective enforcement shall be undertaken in those areas where analysis of traffic crashes and violations indicates that special attention is needed. Patterns, causes and/or sudden increases in the number and severity of traffic crashes or violations are reasons for extra enforcement activity at a given location. When the Miami Township Police Department becomes aware of a problem that may or may not be reflected in traffic crash report data, communications between agencies i.e. road service departments, County Engineer, will occur if necessary and steps will be taken to correct the problem.

### *Deployment of Traffic Enforcement Personnel*

Deployment of personnel for selective traffic enforcement shall be based on analysis of traffic crashes, traffic enforcement activities and traffic related calls for service. The information will be obtained from the traffic crash and enforcement report summaries, citizen concerns and department records. The summaries shall be examined to provide data that includes all seasons of the year and allows for variations that occur as a result of

weather, population shifts, monthly or seasonal increases and for reductions in the traffic volume.

Based on the analysis of traffic related information, personnel shall be deployed for preventative patrol activities to deal with the specific categories of violations. The patrols shall be conducted at locations, times and date of the week the predominant violations are occurring with emphasis on reducing traffic crashes.

Selective preventative and enforcement activities will be developed and coordinated by the Patrol Division Supervisor who shall distribute the information about selective traffic enforcement activities to the shift supervisors for implementation.

Selective traffic enforcement is the primary responsibility of the Miami Township Police Department's Traffic Safety Unit, although any officer may be assigned to selective traffic enforcement activities in their patrol area.

All patrol supervisors shall share responsibility for ensuring that selective enforcement activities are carried out on their respective shifts. Enforcement activities shall be carried out by Traffic Safety Unit personnel or by other patrol officers as required to address the needs of the selective traffic enforcement function. The Patrol Division Supervisor shall bear ultimate responsibility for selective enforcement activities.

#### *Evaluation of Selective Traffic Enforcement Activities*

The Patrol Division Supervisor will evaluate the selective traffic enforcement activities through review of the monthly traffic crash and enforcement reports, selective traffic enforcement patrol reports and grant activity reports.

These reviews will be used to assist in formulation of traffic safety goals and objectives for the department. The Patrol Division Supervisor or his designee shall conduct an annual selective traffic enforcement analysis to review traffic crash and enforcement data to determine if the goals and objectives of the agency and the selective enforcement program have been met.

#### **61.1.2 Uniform Enforcement Procedures**

Officers will take appropriate enforcement action for each violation of traffic law witnessed or reported to them. All enforcement actions will be accomplished in a firm, fair, impartial and courteous manner using the lowest degree of enforcement action necessary to obtain the violators compliance with the law. Officers should not concentrate on quantitative enforcement but should be directed to provide qualitative enforcement activities integral with quantitative measures to achieve the department's traffic enforcement objectives.

Supervisory personnel shall make proper inquiry and take appropriate measures in those circumstances where citations are not being issued for specific violations when there is indication that such level of enforcement is required. Traffic enforcement alternatives include:

### 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.

### Citation

The issuance of an Ohio Uniform Traffic Ticket (OUTT) is a proper alternative when used by an officer in response to a traffic violation which jeopardizes the safe and efficient flow of vehicular and pedestrian traffic, whether the violation is a moving, safety, parking or equipment violation, or when the violator has previously been warned of the violation.

Should a traffic arrest be a felony offense or in the event an officer must file a complaint with Municipal Court for a traffic violation, the offense shall be reported on a NIBRS offense report. The report and any accompanying paperwork shall be submitted to the records section.

### Warnings

Verbal Warning – A verbal warning is a proper alternative when used by an officer in response to a minor traffic violation committed where there is very minimal risk to persons or property and the driver may not be aware of the violation i.e. equipment violation such as license plate not illuminated.

Written Warning – A written warning is a proper alternative when used by an officer in response to a minor traffic violation committed where there is minimal risk to persons or property and the issuance of a warning will effectively correct the operator's actions i.e. parked facing the wrong way.

### 61.1.3 Violator Procedures

#### Nonresidents of Service Area

Traffic violators of states belonging to the Non-Resident Violators Compact or persons residing outside Clermont County will be issued a citation and released in the same manner as residents of Clermont County.

Traffic violators of states not belonging to the Non-Resident Violators Compact will be required to post a bond with the Clerk of Courts for the violation of which they are charged. The following states are not members of the compact: Alaska, California, Michigan, Montana, Oregon and Wisconsin.

### Juveniles

Juvenile traffic offenders shall be issued the appropriate enforcement action as directed in 61.1.2.

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:

- Driving while impaired by alcohol or drugs.
- Violation of vehicular homicide and assault statutes.
- Driving after revocation or suspension of license.

In cases where a juvenile is taken into custody, the officer shall follow ORC 2151.31, 2151.311 and 2151.312 as it applicable.

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 Clermont County Juvenile Court.

The officer issuing a juvenile a traffic citation shall mark the appropriate juvenile boxes on the OUTT and mark the date and time for the juvenile and their parent/guardian to attend.

### 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.

### Foreign Diplomats & Consular Officials

A Foreign Diplomat/Consular Official is a citizen of a foreign country employed by a foreign government and authorized to aid 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.

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 Diplomats and Consular Officials as directed by the United States Department of State publication Diplomatic and Consular Immunity, Guidance for Law Enforcement and Judicial Authorities. A copy of the publication is located in the patrol room in the Consular Notification and Immunity binder. The requirements for handling incidents of traffic enforcement is specifically addressed on pages 18 & 19 of this publication. Stopping a mission member or dependent and issuing a traffic citation for a moving violation does not constitute arrest or detention and is permitted.

When persons privileged from arrest are stopped for a moving violation, the officer making such stop, upon being advised by the driver of their status and ascertaining that they possess proper credentials, should exercise discretion based on the nature of the violation. The officer should inform the operator of the violation and issue a warning or in the case of a serious violation a citation.

Specific to OVI violations, the officer shall not compel the operator to take standardized field sobriety tests, handcuff or place the violator in the secured portion of the police vehicle. The officer shall notify the shift supervisor of the incident. The officer should impress upon the violator the officer's duty to care for the person's safety and the safety of others. The officer may release the violator to a responsible person(s), take the person to a place of safety, or transport them to the police station and arrange release to a responsible person. The officer(s) should avoid the use of force unless such circumstances warrant the officer(s) to respond to actions of the violator.

### *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.

#### 61.1.4 Informing the Violator

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:

- Court Appearance Schedule - The date, time and location of the scheduled court appearance.
- Optional or Mandatory Nature of 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 at the bottom of the citation.
- Plea & Payment Information – If the violator may pay the citation out, the officer shall issue a fine/pay out schedule to the violator.
- Other Information Provided – Officers shall complete the OUTT in its entirety to include information relative to the specific charge including statute violated.

### **61.1.5 Uniform Enforcement Policies**

The following guidelines are established to provide a uniform approach to enforcing traffic violations. Each officer should use his own judgment, unless indicated otherwise, to decide if a traffic citation is issued.

#### **Driving Under the Influence**

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 Miami Township 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 Clermont County Courts.

#### **Driving Under Suspension**

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 and affect a physical arrest if warranted.

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.

#### **Speed Violations**

Officers may issue verbal or written warnings for speed violations up to and including nine miles per hour over the speed limit.

Officers may issue a written warning or citation for speed violations between ten and fourteen miles per hour over the speed limit. The officers' decision shall be governed by the conditions and circumstances relevant to the location of the violation.

Officers may issue a citation when a violator's speed exceeds the speed limit by fifteen or more miles per hour.

The decision to cite or warn a violator will be determined by the officers' judgment based on the conditions and circumstances at the time of the violation, with common sense and human understanding as mitigating circumstances.

### *Hazardous Violations*

Hazardous traffic law violations are defined as those violations of any law or regulation affecting the use or protection of streets or highways enacted primarily to regulate safe movement of vehicles and pedestrians.

Unsafe behavior is an action or omission in compliance with traffic laws, which are hazardous even when vehicle, streets or highway and people involved, are in a legal condition.

Unsafe condition is causing or permitting an illegal and possible hazardous condition of:

- A driver or pedestrian in traffic;
- Street or highways used by traffic;
- Vehicles use in traffic.

It will be the practice to issue citation or arrest, if appropriate, for hazardous moving violations and operating unsafe or improperly equipped vehicles.

### *Off-Road Vehicle Violations*

When investigating the use of recreational vehicles on private property, attempts will be made to contact the property owner to determine if permission has been granted to operators of recreational vehicles to operate on the owner's property. If the owner's permission is not granted, the operators will be told to stop using the property and be advised to keep written permission with them along with the name and phone number of the property owner so that they can be contacted to verify permission. If misuse of private property occurs while operating a recreational vehicle, such as reckless operation, OVI, hit-skip crash or criminal damaging, enforcement action may be taken by officers.

Off-road or recreational vehicles driven upon public roadways will fall in accordance with applicable traffic laws.

Juvenile offenders will be handled the same as adult offenders. Seriousness of the violation will be taken into consideration when determining if a parent/guardian should be contacted.

### *Equipment Violations*

When a vehicle is found to be in violation of one or more equipment statutes, the officer should issue a citation for the most serious offense unless any of the following sections

apply. The officers shall use good judgment in the discretion to issue a citation or warning based on the seriousness of the violation.

When a vehicle is found to be unsafe to operate on a public roadway, the officer shall inform the violator of the defects that render the vehicle unsafe for operation on the roadway, issue a citation for operation of an unsafe vehicle and have the vehicle removed from the roadway.

When a vehicle is found to be in violation of one or more equipment statutes, and the equipment violation resulted in an injury or a reportable crash, the officer shall issue a citation for the violation.

### *Commercial Vehicle Violations*

Public carrier and commercial vehicles will be treated the same as the general motoring public. Uniform enforcement policies and procedures delineated in this directive are applicable to both the public carrier and commercial carrier.

### *Non-Hazardous Violations*

Non-hazardous violations are defined as violations of laws or ordinances affecting the use or protection of streets or highways, but not enacted primarily to regulate safe movement of vehicles or pedestrians i.e. registration violations.

The officer may issue a warning for a single infraction for which the violator may have been unaware. Enforcement action should be taken if multiple violations or a violation for which the violator has previously been warned has occurred.

### *Multiple Violations*

When multiple violations are observed which can be classified separately as having distinctly different elements, they shall be dealt with independently. A motorist stopped for following too closely and subsequently found to be operating without a driver's license should be issued a citation for all separate offenses.

In situations where two violations are similar to the extent that the elements of one law are included in the other law, only the most serious should be charged. A motorist who has been charged with reckless operation would not be charged also with operating on the left side of the roadway or speeding if these offenses occurred concurrently with and are important factors in the charge of reckless operation.

A warning citation may be issued at the officer's discretion for a non-hazardous violation in conjunction with another citation for equipment or hazardous moving violation.

One citation will be issued in the case of related, multiple, non-hazardous violations stemming from the same operation.

### *Newly Enacted Laws*

It shall be the policy to issue warnings for a period of thirty (30) days after a new traffic law becomes effective in lieu of citations.

When a new traffic control device has been erected, warnings shall be issued for thirty (30) days from the time of installation.

### *Violations Resulting in Traffic Collisions*

Whenever the investigating officer of a traffic crash determines that a violation of law has occurred and sufficient evidence exists to establish a case beyond a reasonable doubt and to support prosecution in a court of law, enforcement action should be taken.

### *Pedestrian and Bicycle Violations*

Pedestrians and bicycles are part of the overall traffic management system. Officers are to take appropriate enforcement action when and where either pedestrian or bicycle traffic law violations are observed. The enforcement action will be commensurate with the pedestrian and bicycle crash experience for that area and time.

The enforcement of traffic laws pertaining to pedestrians and bicycles necessitates broad discretion from individual officers. To provide guidance in this discretion, the following procedures are established, which should result in uniform and consistent application of the laws:

#### Pedestrian Enforcement:

- Prior to any substantial increase in the enforcement effort directed toward pedestrian traffic, sufficient publicity and community awareness campaigns will be conducted by the administration.
- Officers shall concentrate their efforts on pedestrian violations in those areas where pedestrian accidents have been frequent and severe.
- Regarding pedestrian laws, the ‘spirit’ of the law shall supersede the ‘letter’ of the law and shall be applied accordingly.

#### Bicycle Enforcement:

- In those areas where congestion and the frequency of traffic crash experience involving bicycles have been predominant, those laws pertaining to the proper operation of bicycles shall be strictly enforced.
- On those roadways with a substantial flow of vehicular traffic and where hazardous moving violations are observed involving persons operating bicycles, the applicable laws shall be enforced.
- In those areas where traffic flow is minimal, visibility is unobstructed, and traffic crash experience low, officers should exercise discretion in the application of those laws regarding the safe operation of bicycles.

- Officers should be less tolerant with older offenders who should be aware of the hazards inherent in the unsafe operation of bicycles. Officers should be more lenient in the enforcement of the law and more instructive in their response to youthful offenders, who may not be fully aware of their responsibilities in safe operation of bicycles.

#### **61.1.6 Enforcement Practices**

Enforcement practices are based on the principle that the effective deterrent to traffic law violation is highly visible patrol in a distinctly marked police vehicle, and in the interest of maintaining a posture of prevention as opposed to apprehension. Traffic law enforcement activities will be conducted accordingly. Officers will drive patrol vehicles in accordance with existing laws and in such a manner as to demonstrate exemplary driving behavior.

##### **Visible Traffic Patrol**

Area patrol shall be primarily used in traffic enforcement in all areas of Miami Township. Area patrol refers to enforcement efforts over several streets, roads, locations, and sections of highways determined to have a high number of violations or complaints of hazardous moving violations in the township.

Line patrol may be used on a single roadway identified as a selective enforcement problem where one street or highway merits an inordinate amount of traffic enforcement.

Directed patrol is patrol specifically directed to a problem, such as OVI enforcement, at times and locations determined through analysis to prevent a traffic crash problem. Directed patrol will be used as needed and indicated by patrol supervisors to deal with the specific problem in the most effective manner.

##### **Stationary Observation**

Stationary observation shall be used in those areas where fixed post observation is necessary to maximize the effectiveness of a selective enforcement effort. Officers will park in a conspicuous location and in such a manner that traffic flow is not impeded. Stationary observation should not be conducted in areas normally not visible from traveled portions of the roadway.

##### **Use of Unmarked or Unconventional Vehicles**

The use of unmarked patrol vehicles for the purpose of regular traffic enforcement is prohibited. This doesn't prohibit officers who operate unmarked vehicles from taking enforcement action when a violation of a serious or life-threatening nature occurs in their presence.

### Roadside Safety Checks

Roadside Safety Checks may be used for detection of those problems that present a safety threats to individuals and the motoring public at large. Roadside Safety Checks shall be conducted after public notice has been given to the public that a checkpoint will be conducted. As much as is practical, written warnings may be issued for equipment violations. Moving violations or other offenses may be cited or warned as appropriate. Each safety checkpoint shall have as a secondary goal the education of the public for the need to operate safe motor vehicles.

### 61.1.7 Stopping/Approaching

#### Traffic Law Violators

Traffic law enforcement involves all activities or operations that relate to observing, detecting and preventing traffic law violations and taking appropriate action under the circumstances. Enforcement not only involves arrests and citation, but also includes warnings to drivers and pedestrians to prevent them from committing minor violations. Traffic enforcement may react to observed violations, at accidents, or in response to community concerns, or may be proactive to prevent traffic violations. However, overzealous enforcement without considering whether the violator is familiar with the legal requirements or without regard for the circumstances surrounding the violation causes disrespect for the law and poor relations between the department and the community. The emphasis of an officer's traffic enforcement is placed on violations that contribute to traffic crashes and that prevent hazards to vehicular and pedestrian traffic.

Officers shall enforce the same laws consistently under similar circumstances. Before taking any enforcement, officers must consider the circumstances of the law violation and decide on a course of action that relies on experience, training and judgment. Further, traffic laws shall be enforced without discretion, location of the operator's residence, or the nature of the vehicle i.e. type, model, whether commercially or privately operated.

#### Unknown Risk Stops

Although stopping motorists on the roadway for traffic violations or other purposes is often considered a routine function of officers, it is one that has been demonstrated to be potentially dangerous for both officers and motorists even during apparently routine situations. Therefore, it is the policy of this agency that motor vehicle stops shall be performed professionally and courteously and with a view toward educating the public about proper driving procedures while consistently recognizing and taking the necessary steps to minimize the dangers involved in this activity for the officer, the motorist and other users of the roadway.

The following procedures shall be followed when conducting a traffic stop; the initial traffic stop shall include, in order: choose a location, advise dispatch, signal the violator by activating emergency lights and make contact. It is recognized that occasionally

additional variables may require officers to adjust these procedures to conditions. Officers can cause dangerous situations for themselves and others by commonly deviating from this procedure.

- Choose a location for the stop utilizing prior planning. The vehicle should be stopped away from hill crests, curves and intersections, in an area with adequate space to allow the vehicle to pull off the roadway if possible. Consideration should also be given to available cover near the location of the stop.
- Advise the dispatcher of the location of the stop, registration information, description of the vehicle and the number of occupants. If there is not a registration visible, inform the dispatcher of the vehicle make, model, color and any other identifying information along with the number and brief description of the occupants.
- While following the violator's vehicle, when the vehicle is signaled to stop and prior to approaching the violator's vehicle, observe the occupants for any movement of other signs which may indicate suspicious activity or indicate a threat to officer safety.
- Signal the violator to pull to the side of the roadway by activating the police vehicle emergency lights. If necessary, use the siren or horn to alert the driver that you want them to stop. The police vehicles post mounted spotlight may also be used to alert the operator if they fail to notice the emergency lights.
- When the violators vehicle has stopped, position the police vehicle about fifteen feet behind the stopped vehicle and offset to the left of the violator's vehicle about three feet. Turn the wheels to the left; leave the police vehicle engine running and the door unlocked.
- At night or during times of low light levels, use the police vehicles high headlights, spotlight and takedown lights to conceal officer's movements from the violator and for visibility inside the stopped vehicle. Be careful to avoid blinding oncoming traffic.
- If the violator or any occupants exit the stopped vehicle, they should be ordered back inside, and the officer should be prepared to take defensive action should the violator/occupants fail to enter the vehicle or advance on the officers' position. Should other vehicles stop in response to the violators' vehicle being stopped, those vehicles should be directed to continue their way.
- Consider weapon readiness on every stop. The officer when approaching the violator's vehicle may have their holster unsnapped and if appropriate their hand on the weapon.
- Upon approaching the violator's vehicle, the officer should be observing the vehicle and occupants for any signs that may indicate a potential threat to the officer. The officer should also be alert to any additional violations both traffic and criminal. At night, the officer should avoid passing between the lights of the cruiser and the violator's vehicle.
- At the violator's vehicle, the officer should stand beside the vehicle as closely as possible and to the rear of the driver. When possible, the officer may approach the violator's vehicle on the passenger side, to avoid conflict with roadway traffic.

The officer should avoid using his gun hand to receive documents from the occupants of the vehicle.

- Continue to observe the occupants of the stopped vehicle while returning to the police vehicle and preparing any documents. The occupants should be observed several times a minute.
- When returning to the violator's vehicle, the same precautionary steps should be followed as when the vehicle was first stopped. Observe the vehicle or occupants for any changes that may have occurred.
- Allow the stopped vehicle to re-enter traffic first, assisting the vehicle if necessary, to re-enter the traffic flow safely. Vehicle light bars should remain activated until both vehicles are safely underway.
- Conclude your paperwork, clear your traffic stop with the dispatcher.

### High Risk Stops

High-risk vehicle stops include stops made on vehicles known or believed to contain criminal suspects, where weapons are known or suspected to be present in the vehicle, or when information has indicated that an occupant of the vehicle is wanted on a felony warrant.

- Choose a stop location carefully, considering in addition to the hazards listed prior, the traffic patterns at the stop location, the presence or possibilities of pedestrians, populated buildings and opportunities for cover positions for the police units involved in the traffic stop.
- Inform the dispatcher of the intent to stop the vehicle, the nature of the stop, i.e. wanted person, weapons in vehicle, and request a back-up unit to respond to assist with the stop.
- When at all possible, the traffic stop should not be made until a back-up unit is in position to assist the primary police unit.
- When the target vehicle has been stopped the police vehicle should be directly behind and thirty (30) to forty (40) feet to the rear of the suspect vehicle.
- Establish control of the suspect(s) and occupant(s) and suspect vehicle by issuing verbal commands, using public address system.
- If the suspect vehicle stops before or where the officer does not want it to; stop, remain in the police vehicle behind the suspect vehicle and await the back up unit(s) arrival. Be prepared for any activity by the suspect vehicle or its occupant(s).
- Direct other back up officers, as necessary.
- Never approach the suspect vehicle when it is occupied.
- Give clear, concise commands to occupant(s) of the stopped vehicle to direct their removal, one at a time, beginning with the driver.
- Secure and search the occupants of the vehicle, then conduct a search of the vehicle after determining that there are no hidden occupants.

## Responsibilities of Back-up Officers at Traffic Stops

- First back up officer will when possible park their vehicle parallel to and about ten (10) feet to the left of the primary police vehicle. The officer will take a position at the driver's door of their police vehicle.
- Additional back up officers will function in the following capacities, in order of priority, and as needed:
  - The primary officer shall designate a back up officer to search and secure the suspects/occupants of the vehicle. This search and secure officer shall be responsible for those activities for each suspect/occupant as they are brought back to the police vehicles on command of the primary police officer. While securing persons the officer performing this function shall attempt to gain information concerning the number of occupants, weapons, etc.
  - The second back-up officer will take a position at the passenger door of the primary officers' police vehicle and provide cover from that position. If necessary, this officer may be utilized to provide traffic control at the scene.
  - As needed, additional officers may be utilized to provide cover, control and observe suspect(s), or provide security to the area of the traffic stop.

## Officer Violator Contacts

The officer should during the violator contact, attempt to communicate to the violator that the officer is performing a necessary task, for the safety of the violator and the public. The officer should strive to make each contact educational and leave the violator with the impression that the officer has performed a necessary task in a professional manner.

The traffic stop has two objectives that the officer seeks to achieve; take appropriate enforcement action and favorably alter the violator's future driving behavior. The accomplishment of these two objectives requires the officer to understand human nature, inter-personal communication skills, and flexibility in dealing with the public. The following procedures are guidelines and recommendations to minimize conflict that may develop between the officer and the violator and assist in achieving the listed objectives.

When the violator has been stopped and approached where communication can begin, the officer-violator contact procedures are to be followed.

- Be alert at all times for the unexpected, but do not be obviously apprehensive.
- Be certain that the observations of the violation were accurate without reservation.
- Present a professional image in dress, grooming, language, bearing and emotional stability.
- Be prepared for the contact by having the necessary forms; if they are to be used, immediately available.

- Decide on the appropriate enforcement action based upon the violator's behavior and driving actions, not attitude. In most cases it is advisable to have the form of enforcement action decided prior to the initial contact with the violator.
- Greet the violator with appropriate title and in a courteous manner.
- Ask for and accept the violator's driver's license, proof of insurance, and registration, if needed. If the violator does not have a driver's license in their possession, attempt to obtain another form of positive identification.
- Immediately inform the violator of the traffic law he/she has violated and the intended enforcement action.
- Allow the driver to reasonably discuss the violation.
- Complete the forms required of the enforcement action taken and ask the operator to sign the citation. If the operator refuses to sign the citation, the officer shall write the word "Refused" on the signature line of the citation.
- Return the violator's driver's license, proof of insurance, and registration, along with the appropriate copy of the citation or warning.
- Explain to the driver exactly what he/she is supposed to do in response to the action taken.
- Make sure the violator knows when and where to appear if the enforcement requires a court appearance. Explain any alternatives to the violator, but do not predict the actions of the court. Refer questions about the appearance to the court.
- Be aware of the emotional stress of the violator, repeat the instructions if necessary or wait a short period of time to allow the violator to calm down before they resume driving.
- Assist the violator in safely re-entering the roadway.

### **61.1.8 Speed Measuring Devices**

#### *Equipment Specifications*

Radar units used by the Miami Township Police Department shall conform to the criteria set forth by the National Highway Traffic Safety Administration through the National Bureau of Standards. Radar units shall be certified to ARM standards, which include:

- A Doppler audio feature, which aids in positive target vehicle identification.
- An internal circuit test function, which tests the counting circuitry.
- Protection functions which alert the operator to the presence of external interfering conditions such as low power supply voltage or excessive radio frequency interference.
- Have the reasonable availability of service facilities.

Specifications for laser speed measuring devices used by the Miami Township Police Department shall be determined by the Support Services Supervisor prior to the purchase of such device, but shall include:

- An internal circuit test function that tests the device's circuitry for proper functioning.
- Have the reasonable availability of service facilities.

### Operational Procedures

The precise method for using a radar unit and the enforcement of those laws applying to speed will vary in accordance with the type of radar equipment used. Generally, the following procedures are applicable:

- The radar unit must be properly installed and connected to the appropriate power supply.
- The effective range of the radar unit must be thoroughly understood by the operator so visual observations can support the speed meter readings.
- The operator must choose an appropriate location that is conducive to the effective and safe operation of radar.
- The radar unit will be properly calibrated to ensure accuracy in checking speed. The radar unit will be checked for proper calibration according to the manufacturer's specifications with the tuning forks provided for the radar unit.
  - Radar units will be checked for proper calibration at the beginning of and end of each shift that the radar unit is used.
  - Radar units shall be checked for calibration in both the moving and stationary modes.
  - Radar units shall be checked for calibration each time the unit is turned off and turned back on during the shift.
- Laser radar unit operational procedures are the same as stated above except the check of calibration. The laser speed measuring device is checked for proper calibration according to the manufacturer specifications i.e. internal calibration check on activation of unit. Laser speed measuring devices will be checked for proper calibration at the beginning of and end of each shift that the device is used.

### Proper Care and Maintenance

Inspection of each radar unit will occur during each vehicle inspection of the police vehicle in which the radar unit is mounted.

Hand held radar devices will be inspected as part of the quarterly operational readiness inspection.

Routine care and upkeep will occur by the patrol officer utilizing the police vehicle that the radar unit is mounted in or by the officer utilizing a hand-held unit. This will include cleanliness of the unit and reporting needed repairs.

### Maintenance & Calibration Records

The Support Services Supervisor will be responsible to develop and maintain adequate maintenance, calibration and operational record systems suitable for introduction into court for department owned speed measuring devices.

### Operator Training

Officers using radar devices must successfully demonstrate the required skills and knowledge necessary to prove proficiency in the use of radar prior to issuing citations requiring financial sanctions for violations. This program will include:

- Familiarization with the theory of operation of radar through instruction and reading approved instructional manuals under the direction of the field Training Officer.
- Instruction on radar equipment characteristics and operation by the field training officer. This shall include, calibration of the base and antennae components, possible errors encountered and remedies, proper identification of vehicles checked by the radar unit and care and maintenance of the radar unit.
- Instruction in detecting, tracking and documenting violations under the direct supervision of the field training officer.
- Proper court presentation and testimony pertaining to contested speeding citations.

The Ohio Peace Officer Training Commission requires a minimum of 72 hours of instruction on the topic of traffic in a basic police academy. Most academies include as part of traffic training, instruction and proficiency demonstration in radar operation.

Field training officers shall require a proficiency demonstration of recruits to document the skills and knowledge to properly operate and care for the radar unit as part of the field training program. The proficiency documentation shall be documented by completing the 'Operation of Radar Unit' instructed and performed section of the Field Training Guide.

### 61.1.9 Impaired Driver Enforcement Program

The reduction of alcohol and/or drug related traffic offenses are the responsibility of all personnel assigned to road patrol duties. The department's Traffic Safety Unit has the primary responsibility of selective enforcement activities related to the reduction of alcohol and/or drug traffic offenses.

Such enforcement activities shall also include the enforcement of related statutes that prohibit consumption of alcoholic beverages or open containers of alcoholic beverages in motor vehicles.

The department provides training to officers in the detection, apprehension and prosecution of OVI offenders, as well as enforcement tactics dealing with related statutes.

Educational activities shall be conducted as an integral part of the department's overall OVI countermeasures program. Providing information to the motoring public about the inherent dangers of operating a motor vehicle after consuming intoxicating beverages or drugs shall be accomplished by providing safety awareness programs to schools and/or civic organizations. Additionally, informational and educational brochures shall be made available in the lobby of the police department and at other appropriate functions and exhibitions attended by members of the department.

The Patrol Division Supervisor shall be responsible for the assignment of Traffic Safety Unit officers to selective enforcement activities directed at reducing alcohol and/or drug related traffic offenses. This may be accomplished through scheduling of personnel at the time when, and to the locations where enforcement analysis has shown that a significant number of violations and/or crashes involving impaired drivers have occurred. Personnel shall be cognizant of and maintain selective surveillance of roadways and areas in which there has been an unusual incidence of drinking and driving offenses or crashes to ascertain the characteristic violation profile of the problem drinker who drives.

The Patrol Division Supervisor or his/her designee shall be responsible for obtaining outside funding for the implementation of OVI countermeasures programs, when such funding is available. All such programs shall be approved by the Chief of Police.

Guidelines for operation of such programs shall be in accordance with the funding agency's requirements, department procedures and any additional guidelines as set forth by the Chief of Police.

The department may establish minimum requirements for officers to participate in such programs, to include, training requirements, minimum performance levels and any other requirement established by the Chief of Police.

The department may as available, provide officers the training necessary to fulfill the requirements for participation in such programs.

The department may, as approved by the Chief of Police, utilize sobriety checkpoints as part of the agency's OVI countermeasures program. Such checkpoints shall be conducted within the guidelines established by federal or state statute and be under the direction of the Patrol Division Supervisor.

The department may, as approved by the Chief of Police, participate in sobriety checkpoints as requested by the Ohio State Highway Patrol or the Clermont County Sheriff's Office that occur in Miami Township.

#### **61.1.10 DUI 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 Miami Township Police Department or other approved site for processing and evidential testing.
- 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 three 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.
- 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.
- Property room custodians shall be responsible to have the specimen tested. Upon receiving the written results of the analysis, the property room custodian will provide the submitting officer a copy, records personnel a copy to file with the original case paperwork filed in the records section and place the original with the property submission sheet.

### 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.

- The DRE will contact the on-duty supervisor if the DRE is on duty for approval to respond.
- If there is no DRE on-duty and overtime is required to fulfill the DRE request; the on-duty supervisor will be called for approval of a DRE response. DRE requests within Clermont County are at the on-duty supervisor's discretion. Regionally, approval will be given on all fatalities, serious injury crashes, police involved crashes or a felony OVI.

### BMV2255

Officers shall review and complete any necessary areas of the BMV form, sign date and have the form notarized or signed by a Deputy Clerk of Court.

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 records section paperwork pertaining to the case. The officer shall upon receiving the test results from the laboratory, complete the 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.

#### 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, Statement of Facts 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, 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 your responsibility to prepare the three separate packets to forward to the MTPD Clerks, the Clerk of Courts and Prosecutors office when you make an OVI arrest.

- If you take the person to jail, then you will take the Prosecutor's and Clerk of Court packets with you to ensure they are delivered to the correct basket.
- If you do not take the person to jail, then complete the three packets and send all three to the MTPD Clerks. They will ensure they are delivered.

### COURT PACKET

OUTT (White and Yellow Copies);  
Statement of Facts;  
BMV2255 (Pink Copy).

### MTPD PACKET

OUTT (Pick and Hard Copy);  
Statement of Facts;  
BMV 2255 (Yellow Copy);  
Tow Sheet (Copy);  
Intoxilyzer Sub Test (Copy);  
Intoxilyzer Printout Original;  
Driver License (Copy);  
OH1 Copy, if Applicable;  
If not associated with OH1, Original Witness Statement;

### PROSECUTOR PACKET

OUTT (Copy);  
Statement of Facts;  
Driving Record;  
BMX 2255 (Copy 2-Sided);  
Tow Sheet (Copy);  
Intoxilyzer Sub Test (Copy);  
Intoxilyzer Printout (Copy);  
OH1 (Copy, if applicable);  
Witness Statements, if any;  
Driver License (Copy).

### **61.1.11 License Reexamination Referrals**

Routine enforcement, crash reporting and investigation activities may lead to the discovery of a driver who has a suspected incompetency, physical or mental disability, disease or other condition, which might prevent the person from exercising reasonable and ordinary care over the operation of a motor vehicle. Officers detecting such a person will complete the Request for Driver License Examination or Recertification Form, BMV2308. The information necessary is listed on the form. Officers shall review BMV2308 and be aware of the specific information needed to complete the form. Officers completing the form shall:

- Describe the driver condition and incident in such detail that reasonable grounds for the reexamination or recertification are conclusively established.
- The initiating officer shall sign the form and attach a copy of any report, citation, crash report or other document regarding the incident and forward these documents to the Chief of Police for final approval prior to being sent to the Bureau of Motor Vehicles.

### **61.1.12 Parking Enforcement**

When enforcing parking violations, particularly in residential areas, the officer should first attempt to correct a parking violation. The owner should be contacted if the vehicle is parked close to the owner's residence or the officer can contact the owner who can respond in a timely manner to move the vehicle. If the owner or another person has the means to move the vehicle, they shall be requested to move the vehicle. If compliance is not achieved or if the officer decides enforcement action should be taken, i.e. previous warnings or driver history, then the appropriate action shall be taken.

Officers of the department will enforce parking compliance on private property for illegal parking and abandoned vehicles, as appropriate. If the owner can be located, they or a person having means to move the vehicle shall do so. If compliance is not gained or if the officer decides enforcement action should be taken i.e. previous warnings or driver history, then the appropriate action shall be taken. If the vehicle is abandoned, officers shall act as directed in Directive 61.4.3.

In no parking zones, if an immediate hazard is caused by the violation, a citation is to be issued. An effort should be made to contact the owner of the vehicle before the vehicle is towed.

A vehicle which is blocking a roadway should be cited and towed if the owner cannot be located in a timely manner.

#### Declaration of a Snow Emergency per Township Resolution

When enforcing a parking violation during a declared Level 1-3 Snow Emergency in Miami Township the officer should first attempt to correct the parking violation. The owner should be contacted if the vehicle is parked close to the owners' residence or the officer can contact the owner who can respond in a timely manner to move the vehicle. If the owner or another person has the means to move the vehicle, they shall be requested to move the vehicle. If compliance is not achieved or if the officer decides enforcement action should be taken, i.e. previous warnings or citation, then the appropriate action shall be taken per Miami Township Resolution 2014.48.

If the vehicle cannot be moved immediately due to the owner of the vehicle not being at home, the officer will run the license plate number, obtain the owner information and write a traffic warning to the registered owner of the vehicle. Due to the snow related conditions, the traffic warning will not be left on the vehicle. The warning information will be entered into MTPD records management system by the officer and forwarded to records. An email will be generated by the officer to include the event number of the warning for the parking violation during a snow emergency and sent to records.

Records staff shall upon receiving the email and traffic warning, complete a form letter to be mailed to the registered owner of the vehicle advising of the warning for parking on a Township street during a proclaimed snow emergency as well as penalties for future violations.

On a second offense of the same vehicle, if compliance is not gained or if the officer decides enforcement action should be taken, i.e. additional warning or an OUTT to Municipal Court, or towed per Miami Township Resolution 2014-48 then the appropriate action should be taken.

If the vehicle is towed, per MTPD Directive 61.4, Vehicle Towing Records, at any time because of exigent circumstances and/or in the interest of public safety, because of natural or manmade disaster or other necessary circumstances with permission of a supervisor, a vehicle can be towed. Per Resolution 2014-48, Section 9, vehicles can be

towed at the direction of the Service Department Director. If called to have a vehicle towed, you will follow MTPD Directive 61.4 and document the towed vehicle as directed.

**DIRECTIVE 61.2**  
**TRAFFIC COLLISION / CRASH INVESTIGATION**

<b>Issue Date: 06/08/2020</b>	<b>By Order of Chief of Police</b>
<b>Rescinds: (Issue 04/02/2019)</b> <b>Pages: 7</b>	<b>CALEA Standards</b> <b>Referenced: 61.2.1 &amp; 61.2.2</b>

**This directive consists of the following sections:**

**[61.2.1 Crash Scene Response Reporting and Investigation](#)**

**[61.2.2 Collision / Crash Scene Duties](#)**

**POLICY AND PROCEDURE:**

The goal of the Miami Township Police Department for traffic enforcement is to reduce traffic crashes and increase voluntary compliance with traffic laws. In conjunction with this goal, the Department has traffic crash investigation procedures that provide effective and efficient guidelines for investigation of traffic crashes.

**[61.2.1 Crash Scene Response Reporting and Investigation](#)**

All crash reports shall be documented on Ohio Traffic Crash Report forms or the Miami Township Private Crash Report as stated in this directive. There shall be no documenting of a traffic crash on a NIBRS report as an incident.

**[Death or Injury Crashes](#)**

While all crashes require thorough reporting and investigations to whatever extent possible, this requirement is especially important in crashes involving death and serious injuries. Crashes involving fatalities, life threatening or disabling injuries and multiple injured victim crashes shall be fully and completely reported and investigated by an officer trained in crash investigation. Ohio State Highway Patrol may be requested to respond to any traffic crash involving a fatality, life threatening or disabling injury or serious multiple victim crash scenes.

Miami Township Police officers may investigate death or serious injury crashes if Ohio State Highway Patrol is not available. However, officers doing so shall have Traffic Crash Investigation training, Levels 1 & 2.

Miami Township Police officers shall investigate non life threatening injury crashes.

All death or injury crashes shall be reported on Ohio Traffic Crash Report forms.

### *Property Damage Crashes*

Crashes involving property damage only are to be reported and investigated in a thorough and professional manner. In some minor property damage crashes, the focus may be on reporting in lieu of full investigation dependent on the circumstances at the time.

Property damage crashes shall be taken on an OH1 if they occur on a roadway or the crash began on the roadway. Property damage crashes may be reported on a Miami Township Private Property Crash Report, if they occur on private property.

### *Hit and Run Crashes*

Hit and run crashes will be reported and investigated in a thorough and professional manner. Hit and run crashes shall be taken on an OH1 if they occur on a roadway or if there are reported injuries. Hit and run crashes may be reported on a Miami Township Private Property Crash Report, if they occur on private property and no injuries are reported.

Records personnel shall copy all unsolved hit and run crash reports to the Patrol Division Supervisor or their designee who shall assign the hit and run crash for investigation.

### *Impairment Crashes*

Crashes involving impairment due to alcohol and/or drugs shall be reported and investigated in a thorough and professional manner. Officers shall be aware that driver impairment due to alcohol and/or drugs is a factor in many crashes and will be alert to clues or evidence of such impairment when carrying out crash investigations. Officers shall take appropriate enforcement action when impairment evidence is obtained.

In cases of traffic crashes involving impaired drivers, the assigned officer, whenever possible, should attempt to handle both the investigation of the crash and the investigation into violation of OVI laws. If time limits for test samples or other conditions make this impractical, the assigned officer shall advise the shift supervisor who may assign another officer to divide the responsibility for the investigation of the crash and the investigation into the possible violation of OVI laws.

All impairment crashes shall be reported on Ohio Traffic Crash Report forms.

### *Hazardous Material Crashes*

Crashes involving hazardous materials shall be reported and investigated in a thorough and professional manner.

Miami Township officers will advise the Clermont County Department of Public Safety Service (CDPSS) of all accidents involving a spill or leak of hazardous materials. Dispatchers shall notify the Miami Township Fire & EMS for expedited response.

All hazardous material crashes shall be reported on Ohio Traffic Crash Report forms.

### Private Property Crashes

Private property crashes are to be reported and investigated in a thorough and professional manner. In some minor private property crashes, the focus may be on reporting in lieu of full investigation dependent on the circumstances at the time.

Officers dispatched to handle a private property traffic crash may utilize the Miami Township Private Property Crash Report only in cases stated in this directive and only in cases where no injuries have occurred.

### Crashes Involving Township Owned Vehicles or Property

All traffic crashes involving any township owned vehicle or property shall be reported. The employee operating the vehicle involved will immediately notify the shift supervisor, who will respond to the scene.

The shift supervisor will determine what agency will handle the report and investigation.

- In the event the traffic crash has resulted in a serious injury or may result in a fatality, the shift supervisor shall request Ohio State Highway Patrol to investigate the traffic crash.
- In the event the Ohio State Highway Patrol is unable to conduct the investigation, the supervisor will notify a Traffic Safety Unit member, if available, to conduct the investigation.
- The shift supervisor shall make notification in accordance with the department procedure on notification.

When a township vehicle is involved in a traffic crash and as a result of the investigation conducted it is determined that the operator of the township vehicle committed a violation of law which resulted in the accident, the investigating officer shall take the appropriate enforcement action.

When an officer is involved in a traffic crash which occurs while he is engaged in performing his official duties and is reported to the Bureau of Motor Vehicles, records personnel shall send a letter of Official Duties Certification along with a copy of the accident report to the Registrar of Motor Vehicles. The letter certifies that the officer was performing official duties when the traffic crash occurred and is signed by the Chief of Police.

Township owned vehicle crashes shall be taken on an OH1 if they occur on a roadway. Township owned vehicle crashes may be reported on a Miami Township Private Property Crash Report, if they occur on private property and there are no injuries.

## Follow Up Investigations

Follow up investigation of a traffic crash is the responsibility of the reporting officer. If the traffic crash requires additional investigation the following duties will be completed on an as needed basis.

- As needed, the investigating officer shall collect off-scene data relating to the actions and attitudes of the operators of the vehicles to ensure a thorough investigation of underlying causes of the crash.
- Vehicle Safety Inspection.
- Obtaining recorded formal witness statements.
- Reconstruction of the crash scene and/or consultation with expert and/or technical personnel.
  - Should additional expert and/or technical assistance beyond the capabilities of the department's personnel be required, the investigating officer shall arrange for such assistance. Should such services require a payment for services rendered, the investigating officer must first have an approved purchase order for utilization of such services.

### 61.2.2 Collision / Crash Scene Duties

Miami Township police personnel will respond to all reported traffic crashes according to the following protocol.

On a reported crash, a department Traffic Safety Unit (TSU), if available, will respond to investigate. Should a TSU member be unavailable, the district patrol unit will respond to investigate. Should the TSU member and district patrol unit be unavailable, the shift supervisor may use alternate resources to handle the traffic crash.

If dispatched as a life threatening or fatal crash or if on the officers' arrival the crash is found to involve a life-threatening injury or fatality, the dispatched officer will notify the on-duty supervisor who may request Ohio State Highway Patrol respond to investigate.

Officers shall respond to all reported traffic crashes in the following manner, unless specific circumstances exist that justify response of another nature.

- Death, Injury, Unknown Injury and/or Entrapment - Emergency Response
- Hit and Run - Urgent Response if the Hit and Run Just Occurred, Routine Response if the Hit and Run Occurred at an Unknown Time.
- Impairment Crashes - Urgent Response
- Damage to Public Vehicles or Property – Urgent Response
- Hazardous Materials – Emergency Response
- Disturbances Between Principals – Urgent Response
- Major Traffic Congestion - Urgent Response
- Damage to Extent Towing is Required – Urgent Response

- Property Damage & Vehicle off Roadway – Routine Response
- Minor Non-Injury Crashes – Routine Response

During times of inclement weather, when road conditions are such that this department receives reports of numerous accidents, or during other emergency situations, the shift supervisor shall prioritize response by officers to crash scenes. Priority will be given to crashes with reported injuries; second priority shall be to crashes with suspected injuries; third priority shall be to any crash blocking traffic on the interstate, a state highway or a county road; fourth priority shall be to all other crash types and locations.

The shift supervisor shall notify the Clermont County Department of Public Safety Services (CDPSS) that persons calling to report traffic crashes will be serviced based upon the priority listing above and that there could be a delay of unknown minutes or hours to handle their request. Persons involved in non-injury crashes and requiring a routine response are to be encouraged to exchange personal, vehicle and insurance information and both parties should report to the police department on the following day with the involved vehicle to file a traffic crash report.

The CDPSS or shift supervisor shall also notify the media of this information when they inquire as to road and traffic conditions or in the case of an emergency, the department PIO shall notify the media.

Miami Township personnel shall not take traffic crash reports over the telephone.

### **Collision Scene Duties**

#### **Officer in Charge of Scene**

The officer originally dispatched to the scene of a traffic crash will investigate the traffic crash, unless otherwise directed by the shift supervisor or the seriousness of the crash is such that the Ohio State Highway Patrol is called to investigate. The officer handling the report and investigation of a traffic crash will oversee the traffic crash scene and any follow-up or supplemental investigation.

The officer in charge of a scene shall access the scene on arrival and do the following as needed:

- Request additional assistance as needed.
- Request utility company assistance if warranted by damage or disruption of utility services.
- Establish traffic control to facilitate the flow of traffic around the crash scene.
- Request tow service to facilitate the removal of vehicles blocking traffic flow.

Should the Ohio State Highway Patrol investigate a traffic crash in Miami Township, personnel are expected to cooperate constructively and efficiently with the Ohio State Highway Patrol personnel in charge of the scene.

### *Identifying and Dealing with Injured Persons*

The first officer on the scene of a traffic crash shall request Emergency Medical Services if an injury is observed or claimed. The officer will render what emergency medical aid they trained and able to perform until EMS arrival.

### *Identifying and Dealing with Fire Hazards and/or Hazardous Materials*

The first officer on the scene of a traffic crash shall request the Fire Department if their response is warranted by fire, a fire hazard or if hazardous material is involved.

Should a vehicle fire be observed the officer will when practical attempt to control the fire with equipment maintained in the police vehicle pending the arrival of the fire department.

Miami Township officers will advise the CDPSS of all crashes involving a spill or leak of hazardous materials. Dispatchers shall notify the Miami Township Fire & EMS for expedited response.

Officers should use caution approaching the scene of these crashes and keep a safe distance. The officer should attempt to identify the substance by using the 'Emergency Response Guidebook' located in the police vehicle.

- Speaking to the driver and/or reviewing the driver's paperwork are not to be done if there is any change of contamination of the driver and/or the paperwork.
- The officer shall not enter the 'hot zone' nor should the driver exit the 'hot zone' until proper decontamination procedures have been followed.
- If the potential for contamination of the area is apparent, the officer will immediately notify the shift supervisor, move persons to a safe distance and begin setting a perimeter.

### *Collecting Information*

Reporting and investigation of a traffic crash will require the reporting officer to completely and accurately fill out the appropriate report forms. Ohio Traffic Crash forms shall be completed in accordance with guidelines set forth by the State of Ohio Department of Highway Safety Traffic Procedure Manual. The Miami Township Police Department Private Property Crash Report shall be used and completely and accurately filled out when applicable.

The investigating officer shall interview all operators, passengers and witnesses to determine the chain-of-events leading up to the traffic crash. The officer shall list all operators, occupants and witnesses on the appropriate crash report form and take written statements as required.

The investigating officer shall record the point of impact, areas of damage on vehicle, and damage to other property, if applicable.

The investigating officer shall note any defects to the roadway or other road conditions, skid marks, obstruction to signs or other pertinent information.

The investigating officer may take measurements as needed for future reconstruction of the crash or further analysis of the crash cause.

The investigating officer shall take photographs and/or use the in-car video/body camera to record the crash scene and any associated evidence.

#### *Protecting the Collision Scene*

The investigating officer shall protect and preserve the crash scene and any evidence as needed.

#### *Controlling Property Belonging to Collision Victims*

The officer in charge of the crash scene shall ensure that property belonging to crash victims is protected should the victim be unable to take control of or care for the property.

When the vehicle is towed at the request of the operator/owner, the security of property will be the responsibility of the tow company.

When the vehicle is towed as a result of police department impoundment, the vehicle will be inventoried as part of completion of the Towed Vehicle Report form.

Negotiable instruments and/or cash in excess of \$25.00 found in a vehicle being inventoried for a police tow shall be processed into the property room to be held for safe keeping, unless such item can be immediately retrieved by the owner or responsible person.

# DIRECTIVE 61.3

## TRAFFIC DIRECTION AND CONTROL

<b>Issue Date: 06/08/2020</b>	<b>By Order of Chief of Police</b>
<b>Rescinds: (Issue 04/02/2019)</b>	<b>CALEA Standards</b>
<b>Pages: 6</b>	<b>Referenced: 61.3.1; 61.3.2; 61.3.3 &amp; 61.3.4</b>

**This directive consists of the following sections:**

- 61.3.1 Traffic Engineering**
- 61.3.2 Direction / Control Procedures**
- 61.3.3 Escorts**
- 61.3.4 School Crossing Guards - N/A by Function**

### **POLICY AND PROCEDURE:**

Officers of the Miami Township Police Department will provide traffic direction and control, where necessary, to ensure the safe and efficient movement of vehicles and pedestrians. Such duties will be carried out in a courteous and consistent manner to foster a positive public attitude and acceptance of such directions and control.

#### **61.3.1 Traffic Engineering**

##### *Handling or Referral of Complaints or Suggestions*

The Patrol Division Supervisor or his/her designee is responsible for handling or referring complaints or suggestions concerning traffic engineering deficiencies. Traffic engineering deficiencies may include:

- Pavement problems.
- Inadequate signals, signs or markings.
- Excessive signals, signs or markings.
- Inadequate overhead lighting.
- Inadequate storage in turning lanes.
- Lack of turning lanes where needed.
- Obstructed line of sight for motor vehicle operators.
- Poorly designed merging lanes.
- Poorly designed turning movements.
- Poorly timed signals.
- Non-coordinated signals over short distance.
- Inadequate curb cut controls.

The Patrol Division Supervisor or his/her designee shall when needed make written recommendations for traffic engineering improvements to the appropriate roadway department or authority.

- Township dedicated roadways are the responsibility of the Miami Township Service Department.
- County dedicated roadways are the responsibility of the Clermont County Engineer's Office.
- State dedicated roadways are the responsibility of the Ohio Department of Transportation.

#### [Transmitting Collisions and Enforcement Data](#)

Collision and enforcement data are submitted to the Ohio Department of Public Safety via the Records Management software program. Ohio Traffic Crash Report forms are also posted on the Miami Township Police Website and may be viewed by any person wishing to do so.

### [61.3.2 Direction / Control Procedures](#)

#### [Traffic Collision 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.

#### [Uniform Signals and Gestures](#)

Officers performing manual traffic direction and control will ensure that their presence and purpose are well demonstrated to drivers and pedestrians and will place themselves in such a place and manner that will enable operators of vehicles and pedestrians to recognize and respond to the officers' verbal and hand directions. The following signals and commands may be utilized.

- To STOP Traffic – The officer should first extend his arm and index finger toward and look directly at the operator to be stopped until that person is aware, or it can be reasonably assumed that the operator is aware, of the officer's gesture. Second, the pointing hand is raised at the wrist so as that its palm is toward the operator to be stopped and the palm is held in the position until the operator is observed to stop. One long whistle blast may be used to emphasize the stop signal.

- To START Traffic – The officer with their arm extended in the stopped position, the arm will be moved at the elbow in a manner to indicate that the traffic may now proceed. This is done by swinging the arm upwards from the elbow down, toward the direction in which traffic is to flow. Two short whistle blasts may be used to emphasize the go signal.
- To TURN RIGHT – The officer should extend one arm and index finger pointing in the direction that the vehicle is to proceed. The officer should extend the other arm and index finger at the operator of the vehicle that is to turn and swing the arm in the direction the vehicle is to turn.
- To TURN LEFT – The officer should use the same procedure as to direct traffic to turn right. The officer shall be aware of oncoming traffic so as not to direct traffic to turn in front of oncoming traffic to cause a traffic crash.
- To GET ATTENTION – Three short whistle blasts will be used to get the attention of drivers and pedestrians who are not responding to commands.

Voice commands should seldom be used in directing traffic, as they are not easily understood and often lead to misinterpretation. Should the need arise that the officer must direct the operator or pedestrian by voice, the direction should be polite and brief while being explicit as to what the officer is directing the person to do.

A flashlight may be used to stop traffic slowly. The officer should swing the beam of the light across the path of the oncoming traffic. The beam from the flashlight should strike the pavement as an elongated spot of light. Once the vehicle is stopped, the operator should be directed using physical signals.

### *Critical Incident Scenes*

Traffic control at the scene of critical incidents falls under the command of the Operations Function of the critical incident. The responsibilities of this function are as follows:

- Plan and/or assist in the planning of traffic operations related to the incident.
- Provide personnel for implementation of any traffic operation plans.
- Assist in keeping open the routes into and away from the scene and command post.

Officers arriving at the scene of a fire will assess the hazards present and act to minimize further damage to property or life. These may include directing traffic and/or evacuating the immediate area.

The officer will assist the Fire Department in making certain the scene is clear for emergency vehicles by maintaining access and egress from the fire scene. In addition, officers will establish safe routes of travel for motorists while restricting entry to unauthorized vehicular or pedestrian traffic.

Officers will provide perimeter services to allow unrestricted access to the scene by fire and emergency vehicles and personnel.

All unauthorized Fire/EMS personnel arriving on the scene in private vehicles will be allowed to park at the edge of the police perimeter but not near the actual emergency scene unless conditions so permit or necessitate.

#### *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 the CDPSS if not dispatched and the shift supervisor. 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.

#### *Traffic Control Devise Manual Operation*

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. The officer must inform the CDPSS of the malfunctioning signal devise so that the appropriate agency is contacted, and repairs can be made.

#### *Temporary Traffic Control Devices*

As a general policy, temporary traffic control devises will be used only in a pre-scheduled special event or road construction project. The devises will normally be placed and removed by the Service Department with the Police Department coordinating placement of such devices.

Portable temporary stop signs may also 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 use the equipment on the Emergency Response Trailer (ERT) to place temporary traffic control devices and/or barricades.

#### *Reflective Clothing Requirement*

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

An officer may forgo the wearing of the traffic vest until such time as the situation is under control.

### 61.3.3 Escorts

#### Law Enforcement Escort Services

Officers are prohibited from providing escorts for other emergency vehicles responding to calls unless assistance is needed in directing an emergency unit unfamiliar with the area to the scene of the emergency.

Escorts to be provided by this agency will be processed through the Patrol Division Supervisor so that needed personnel and equipment can be scheduled.

Escorts may be requested by outside law enforcement agencies, for public officials or dignitaries and full cooperation will be extended in providing escort services.

Emergency requests for escorts of public officials and/or dignitaries by other law enforcement agencies will be handled by the shift supervisor. Information regarding the escort shall be confirmed by the supervisor receiving the request.

Emergency escorts will not be provided for non-government functions.

Escorts of oversized loads and/or hazardous cargo are governed by ICC and PUCO/ODOT regulations. Requests for police assistance with this type of escort must be approved in advance by the Patrol Division Supervisor.

Officer shall be aware of such regulations governing transportations and escorts of such cargo and take such enforcement action as necessary for observed violations.

#### Civilian Vehicles in Medical Emergencies

Officers are prohibited from providing emergency escorts of civilian vehicles for medical emergencies. When an officer is requested to escort a private vehicle, which is carrying an ill or injured person, the officer will determine the severity of the illness or injury.

In a situation that is not of a life-threatening nature, the officer will instruct the driver of the vehicle to proceed carefully and obey all traffic regulations. The officer may, if appropriate, suggest the quickest and safest route to the hospital. The officer may furnish a non-emergency escort to a local treatment facility, if requested, and then only with approval of the supervisor.

When the situation is of a life-threatening nature, the officer will request appropriate assistance of Emergency Medical Services by informing the CDPSS of the nature of the problem based on the information available. Officers will administer what emergency medical aid that they are trained in and able to perform.

#### **61.3.4 School Crossing Guards – N/A By Function**

Miami Township Police Department does not participate in School Crossing Guards.

**DIRECTIVE 61.4**  
**TRAFFIC ANCILLARY SERVICES**

<b>Issue Date: 06/08/2020</b>	<b>By Order of Chief of Police</b>
<b>Rescinds: (Issue 04/02/2019)</b>	<b>CALEA Standards</b>
<b>Pages: 10</b>	<b>Referenced: 61.4.1; 61.4.2; 61.4.3 &amp; 61.4.4</b>

**This directive consists of the following sections:**

- 61.4.1 Motorist Assistance**
- 61.4.2 Hazardous Roadway Conditions**
- 61.4.3 Towing**
- 61.4.4 Traffic Safety Materials**

**POLICY AND PROCEDURE:**

Personnel of the Miami Township Police Department will provide traffic ancillary services, where necessary, to ensure the safe and efficient movement of vehicles and pedestrians in Miami Township. Such duties will be carried out in a courteous and consistent manner to foster a positive public attitude and acceptance of such directions and control.

**61.4.1 Motorist Assistance**

*General Assistance*

Miami Township personnel shall provide general assistance to highway users by providing information or directions, providing mechanical and towing assistance, protection to stranded persons and emergency assistance. Personnel shall also provide any other assistance as warranted and needed for the safety of highway users.

*Mechanical and Towing Assistance*

Officers may transport persons from disabled vehicles to the nearest convenient location where they may obtain assistance. Officers should be certain that appropriate assistance is accessible at the location.

Officers may utilize police vehicles equipped with safety push bars to move vehicles off the traveled portion of the roadway. The operator shall sign a release prior to the officer moving the vehicle.

Officers may, upon the request of the stranded operator, contact a mechanical/tow service to assist the operator in removing the vehicle. The officer should within reason honor the

specific request for a particular service unless such response time from the service requested, is unreasonable. The officer should utilize a rotation towing service should expedient removal of the vehicle be needed.

Should the operator of the disabled vehicle be unavailable or refuse to have the vehicle removed from the traveled portion of the roadway, the officer shall have the vehicle towed in accordance with department towing policy.

### *Protection to Stranded Persons*

Officers may transport stranded motorists to the nearest convenient location where they will be safe and can obtain assistance. Officers should be aware that the place to which the stranded motorist is transported will provide the safety and services needed.

Stranded motorists should not be abandoned when exposed to a hazardous situation. Consideration should be given to traffic hazards, location, time of day, weather conditions and priority calls for service. This does not preclude placing devices to warn oncoming traffic and clearing the scene if conditions are such that this can be done safely. Officers should periodically check to ensure the condition does not deteriorate.

### *Emergency Assistance*

Officers will render all practical assistance to users of the roadway who are involved in emergency situations.

Upon discovery of a medical emergency, the officer will immediately request an Emergency Medical Services unit to respond to the location. The officer will inform the CDPSS of the type of emergency, condition of the person needing treatment and any other pertinent information. The officer will render what emergency medical aid they are trained and able to perform.

Upon discovery of a vehicle fire, the officer will immediately request the Fire Department to respond to the location. The officer will inform the CDPSS of all pertinent information regarding the vehicle fire, including any known hazards in or about the vehicle. The officer will render what fire suppression activities they are trained and able to perform.

### **61.4.2 Hazardous Roadway Conditions**

Hazardous highway and/or environment conditions are defined as:

- Defects in the roadway itself: Holes, ruts or dangerous shoulders.
- Lack of, or defects in, highway safety features: Center and roadway striping, reflectors or improper, damaged, destroyed or visually obstructed traffic control and information signs.

- Lack of traffic control and information signs: Curve and hill warnings, stop and yield signs, street and highway identification, or improper, damaged, destroyed or visually obstructed control or information signs.
- Lack of mechanical traffic control devices or improperly located or malfunctioning traffic control devices.
- Lack of roadway lighting systems or defective lighting systems.
- Natural or man caused obstructions: Fallen trees, rocks, litter, debris, vehicle parts, broken water mains and downed wires.
- Ice or heavy snow accumulations on roadway surfaces.
- Fire and its attendant smoke in areas adjacent to the highway.
- Vehicles parked or abandoned on or near the highway.

The term roadside hazard will refer to all physical features of the roadside environment which are such that a vehicle leaving the road surface for any reason, even momentarily, can impact with them resulting in unnecessary injury to people or property. Roadside hazards included in the definition are:

- Rigid, non-yielding support for traffic control devices and lights or the non-performance of safety installations, i.e. breakaway sign supports that fail to function properly.
- Improperly engineered guardrails.
- Unshielded bridge railings that may not be able to retain an impacting vehicle and redirect it parallel to the roadway, thereby minimizing damage to the vehicle and danger to traffic below the bridge.
- Bridge abutments and other hazardous fixed objects built off the roadway and into which the vehicle might crash with high injury probability.
- Utility poles, trees, ditches, inappropriately steep banks, culverts, rock formations and other fixed objects and features of the roadside environment into which a vehicle might crash instead of being able to come to a stop in a clear distance.

The following procedures will be followed in identifying, reporting and correcting hazardous roadway, roadside or environmental conditions.

When a hazard is identified and in the officer's opinion such hazard requires immediate correction (a fallen tree or electrical wire across or on any part of the traveled portion of a roadway) they will immediately inform the CDPSS and request the assistance or special equipment required to correct the situation. The officer will protect the scene and bystanders, direct traffic, or take any other action deemed necessary to correct the situation.

When a hazard is detected that represents a potential crash situation but the threat of such is not imminent, as in the case of a discarded muffler, the officer will cause notification to be made to the proper authority to have the situation corrected. If the officer can correct the situation i.e. discard/remove the muffler, they will take appropriate action to do so.

When the hazard is due to snow, ice, etc. on the roadway the shift supervisor shall be

notified, and they will contact the township service department supervisor or notify the CDPSS if the county or state needs to respond.

When there is a hazard or a potential hazard that requires corrective action or inspection that is not immediate, is needed by the township service department or the state or county road maintenance departments, the officer shall prepare an incident report. The incident report shall describe in detail the hazard or potential hazard to be inspected, the exact location of the problem and how notification to the appropriate agency was taken.

### **61.4.3 Towing**

#### **Abandoned Vehicles**

##### **Definitions**

Abandoned vehicle means any motor vehicle that has been:

- Left on private residential or private agricultural property for at least four hours without the permission of the person having the right to the possession of the property. ORC 4513.60.
- Left at a repair garage or place of storage for any period than that agreed upon. ORC 4513.60.
- 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 for forty-eight hours or longer without notification to the police of an acceptable reason for leaving the motor vehicle in such place. ORC 4513.61.

Abandoned junk motor vehicle means any motor vehicle meeting all the following requirements ORC 4513.63:

- Left on private property for more than forty-eight hours without the permission of the person having the right to the possession of the property, on a public street or other property open to the public for purposes of vehicular travel or parking, or upon or within the right-of-way of any road or highway, for forty-eight hours or longer.
- Three years old, or older.
- Extensively damaged, such damage including but not limited to any of the following: missing wheels, tires, motor, or transmission.
- Apparently inoperable.
- Having a fair market value of \$1,500.00 dollars or less.

Motor Vehicle Salvage Dealer means any person who engages in business primarily for selling salvage motor vehicle parts and secondarily for selling at retail salvage motor vehicles or manufacturing or selling a product of gradable scrap metal. ORC 4738.01.

Private Residential Property means private property on which is located one or more structures that are used as a home, residence or sleeping place by one or more persons, if no more than three separate households are maintained in the structure or structures.

Public Property means any public street or right-of-way.

### Abandoned Vehicle Procedures

Whenever a police officer is notified of or observes an abandoned motor vehicle or abandoned junk motor vehicle as defined in this directive on public property, the officer shall first determine if the vehicle may be wanted or stolen. If not wanted or stolen than determine the ownership of the vehicle and make reasonable effort to contact the owner of the vehicle.

If the officer determines that the vehicle is a safety hazard or is restricting access to private property, the officer shall make a reasonable attempt to contact the owner and have the vehicle removed immediately.

- If the officer is unable to obtain the immediate removal of the vehicle by the owner, the officer will have the vehicle towed with a holder placed on the vehicle.

If the officer determines that the vehicle is not a safety hazard and is not restricting access to private property, the officer shall make a reasonable attempt to contact the owner and have the vehicle removed immediately.

- Upon contacting the owner of the abandoned motor vehicle, the officer shall notify the owner of the abandoned motor vehicle to have the vehicle removed within twenty-four hours. The officer shall also notify the owner that the vehicle may be towed and impounded if it is not removed within the specified time period. The officer shall complete a 48-hour notice and attach same to the motor vehicle noting the contact on the form. The officer shall complete an incident report.
- If no contact is made and the vehicle is on public property, the officer shall complete a 48-hour notice and attach same to the motor vehicle. The officer shall complete an incident report. When left for more than forty-eight hours and no notification has been made to a law enforcement agency the officer will follow the listed procedure. Should the owner contact the agency within 48 hours and make an agreeable arrangement for removal, the vehicle may not be towed. Such arrangement shall be noted on a report supplement.
  - Have the vehicle towed into storage by a rotation tow service.
  - Complete Towed Vehicle Report form, attaching the 48-Hour Notice from the vehicle being towed, to the tow record. Complete incident report and forward the report and towed vehicle report to the records section.

A designated supervisor/designee will act as a liaison for the tow/storage companies. The officer/designee shall confirm that the tow or storage company has completed all the items listed below. Upon confirmation of the required items, the officer will complete and issue BMV 4202, Unclaimed Motor Vehicle Affidavit. The documents required are:

- A photograph of the vehicle;

- Bureau of Motor Vehicles form BMV 1149;
- Copy of registered letter sent to the owner of the vehicle;
- Any other documents which pertain to the processing of the motor vehicle.

Whenever a police officer is notified of or observes an abandoned motor vehicle as defined in this directive on private property, the officer shall determine if the vehicle may be wanted or stolen. If not wanted or stolen, then notify the owner or person in charge of the property to contact the tow company of their choosing and remove the vehicle if they wish.

### *Vehicles from Public and Private Property*

Officers of the Miami Township Police Department may tow/impound any motor vehicle that is:

- Illegally Parked – Refer to Directive 61.1.13
- Abandoned Motor Vehicle or Abandoned Junk Motor Vehicles – Refer to Above
- 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 Miami Township 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 right of possession is unable to provide for the vehicle's removal. Under no circumstances shall an officer 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 pursuant to any of the following: OVI, Driving Under Suspension (except unclassified misdemeanor DUS) or Wrongful Entrustment, the officer will tow the vehicle.
    - If operator is arrested for an unclassified misdemeanor DUS, officer may attempt to contact the registered owner/valid driver. Within a reasonable amount of time, registered owner/valid driver can respond to take possession of the vehicle. Should registered owner/valid driver be unable to respond in a reasonable time, officer will tow the vehicle.
  - The officer impounding the vehicle shall complete Bureau of Motor Vehicles form BMV 2255, seizing the operators license of the arrested person and attaching same to the ALS form. If the license is to be submitted to the court, the Officer shall attach the license to the citation.
  - The officer shall note in the miscellaneous field on the Towed Vehicle Report form that the vehicle has been seized and the vehicle is subject to immobilization under ORC 4503.233 and/or forfeiture under ORC 4510.41.
  - If the license plates are seized, the officer shall place the license plates in BMV envelope 3613 and submit the envelope with the paperwork necessary for court presentation of the case.
  - If the motor vehicle is subject to forfeiture under 4510.41 the vehicle shall be towed to Sora's Towing storage facility.
  - 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 Miami Township Police Department will only utilize towing services that have been authorized by the Chief of Police unless otherwise approved by the shift supervisor. The shift supervisor may authorize an officer to utilize a towing service not listed on the department's rotation towing list if the use of such towing service is necessary for expedient execution of law enforcement services.

### [Vehicle Towing Records](#)

Any motor vehicle towed by an officer shall have a Towed Vehicle 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.
- If any of the following items are found inside the vehicle, the items shall be removed from the vehicle by the officer and given to the vehicle operator, or if the vehicle operator is not available it will be placed into the Miami Township Police Department Property and Evidence system for safekeeping.
  - Any cash or monetary instrument with a value of \$25.00 or more.
  - Any jewelry or like item which appears to have a value of \$25.00 or more.
  - Any small electronic device with an apparent value of \$250.00 or more.
  - Any credit cards or debit cards.
  - Personal documents such as birth certificates, passports, social security cards and other similar documents with a high trafficking value.
  - Any other property found in the vehicle that the officer determines would be better protected by removing it and giving it to the vehicle operator, or if the vehicle operator is not available, it will be placed into the Miami Township Police Department Property and Evidence system for safekeeping.

#### Release of Towed Vehicle Procedures

- Towed Vehicle with No Holder
  - The titled owner of the motor vehicle must present proof of ownership (title or memorandum of title) and a picture identification to the tow company to obtain release of the vehicle.
- Towed Vehicle with Holder Placed Pursuant to a Violation of Law or Department Purposes

Release of vehicles with a holder shall be obtained from the Miami Township Police Department records office. Should the records office be closed, an officer shall release a vehicle at any time in accordance with the provisions of this policy.

- The titled owner of the motor vehicle must present proof of ownership (title or memorandum of title), picture identification and documentation from the court or authorization from the arresting officer ordering release of the vehicle, to obtain release of the vehicle.
- The employee releasing the vehicle shall:
  - Review the court paperwork for completeness.
  - Photocopy the proof of ownership and the picture identification. The documents shall be attached to the original towed vehicle report form.
  - Complete the vehicle release section at the bottom of the towed vehicle report form.
  - Copy the completed towed vehicle form, providing the copy to the

person obtaining the release of the vehicle.

- Documents shall be attached to the original towed vehicle report form.
- Complete the vehicle release section at the bottom of the towed vehicle report form.

Release of vehicle to a person not the titled owner. A person who has legal right of possession of the vehicle but who is not the titled owner of the vehicle may obtain release of a towed vehicle by presenting:

- Notarized letter from the titled owner granting permission to that person to obtain possession of the motor vehicle.
- The person must present the title or memorandum title and picture identification.
- These required documents may be faxed to the department.

The employee releasing the vehicle shall:

- Verify that the vehicle has been authorized for release by the arresting officer on the towed vehicle report form.
- Photocopy the title or memorandum title, picture identification and notarized authorization letter and attach to original towed vehicle report form.
- Complete the vehicle release section at the bottom of the towed vehicle report form.
- Copy the complete towed vehicle report form, providing the copy to the person obtaining the release.
- Should the vehicle be a leased vehicle, the person requesting and authorized to obtain the vehicle shall in addition to any items required for the release of the vehicle:
  - Have the leasing company fax a copy of the title to the department.
  - Have the leasing company fax on the company's letterhead, a notarized letter authorizing the department to release the car. Included in the letter must be the name of the person the vehicle is to be released to along with the person's social security number and/or date of birth.

#### **61.4.4 Traffic Safety Materials**

The Patrol Division Supervisor or his/her designee is responsible for maintaining educational material on traffic safety.

Traffic safety educational material will be made available to the public at all appropriate programs or activities sponsored or attended by officers of the Miami Township Police Department. Traffic safety material shall also be maintained in the lobby display rack.

**DIRECTIVE 70.1  
TRANSPORT OPERATIONS**

<b>Issue Date: 05/14/2020</b>	<b>By Order of Chief of Police</b>
<b>Rescinds: (Issue 07/24/2009)</b>	<b>CALEA Standards Referenced: 70.1.1; 70.1.2; 70.1.3; 70.1.4; 70.1.5; 70.1.6; 70.1.7 &amp; 70.1.8</b>
<b>Pages: 5</b>	

**This directive consists of the following sections:**

- 70.1.1 Pre-Transport Prisoner Searches**
- 70.1.2 Searching Transport Vehicles**
- 70.1.3 Procedures, Transporting by Vehicle**
- 70.1.4 Interruption of Transport**
- 70.1.5 Prisoner Communication**
- 70.1.6 Procedures, Transport Destination**
- 70.1.7 Procedures, Escape**
- 70.1.8 Notify Court of Security Risk**

**POLICY AND PROCEDURE:**

It is the policy of the Miami Township Police Department that all detainees, regardless of sex, age, race, apparent or obvious threat, or the nature of the offense committed, shall be thoroughly searched prior to being transported by officers of this department. It is further the policy of the Department that the below delineated procedures shall be followed to provide for officer safety, maintain continual observation of detainees, limit communications by detainees, transfer of detainees and dealing with escaped or high risk detainees. All members of the Department shall abide by the provisions of this directive.

Miami Township Police Department transports prisoners from the point of arrest to the Miami Township Police Department, the Clermont County Jail, the Clermont County Juvenile Detention Center or a medical care facility. In all of these transport situations, continual observation of the prisoner is maintained unless specifically exempted under provisions of 70.1.4, 70.2.1, 70.3.1 & 70.3.2. Miami Township does not make transports requiring the pick-up or transfer of prisoners from other agencies or the courts. Those transport requirements are the responsibility of the Clermont County Sheriff's Office.

**70.1.1 Pre-Transport Prisoner Searches**

Every prisoner who is to be transported in a police vehicle will be searched by the transporting officer prior to be transported.

When transporting prisoners of the opposite sex, the officer will notify the dispatcher of the transport, the transport vehicles current mileage and the destination. Upon arrival at the destination, the transport officer will advise the dispatcher of the transport vehicle mileage and the exact destination. At anytime the transport is interrupted the officer will inform the dispatcher of the delay, the reason for the delay and any other pertinent information associated with the delay.

### **70.1.2 Searching Transport Vehicles**

Vehicles used to transport prisoners will be searched at the start of the officer's shift and prior to and after the transport of any prisoner.

At the beginning of each shift, the assigned officer shall examine the police vehicle for damage; ensure that the vehicle is in safe operating condition, properly equipped and that all equipment and accessories are in working order.

- The officer shall ensure that functional restrains are in working order and that the vehicle is equipped with the department authorized restraint devices.
- The officer shall ensure that the vehicle contains the proper safety items such as flares, first aid kit and infectious disease control supplies. It shall be the officer's responsibility to replace these items as necessary to maintain an adequate supply.

Before and after transport of a prisoner, a search will be conducted to ensure that no contraband is in the vehicle before the prisoner is transported and that the prisoner has not left any property or contraband in the vehicle.

### **70.1.3 Procedures, Transporting by Vehicle**

Vehicles used primarily for transporting prisoners will have a safety barrier present that separates the driver from the prisoner. Officers will sit in the front seat and prisoners will sit in the rear seat.

Should an exigent circumstance occur that requires the transport of a prisoner in an unmarked police vehicle without a safety barrier, the following shall occur:

- A single officer shall sit in the front seat and a single prisoner shall sit in the rear seat on the passenger side.
- A single officer transporting two prisoners shall seat both prisoners in the rear seat.
- Two officers transporting a single prisoner shall place the prisoner in the rear seat. Both officers shall sit in the front seat.

#### **70.1.4 Interruption of Transport**

Normally, Miami Township Police Department officers do not make any stops while transporting from the point of arrest to the Miami Township Police Department, the Clermont County Jail, the Clermont County Juvenile Detention Center or a medical care facility. Miami Township does not make long distance transports requiring interruption of the transport. The following incidents may occur during transport that requires interruption of the transport.

##### **Prisoner Becomes Disorderly**

If the prisoner does not pose a threat to the safe operation of the vehicle, the officer should continue to drive directly to the transport destination. The transporting officer should notify the Communications Center of the problem and request assistance at the transport destination for the removal of the prisoner.

If the prisoner poses a threat to the safe operation of the vehicle, the officer should pull to the side of the road; notify the Communications Center of the problem and the officer's exact location. The officer shall request assistance to secure the prisoner. The officer should exit the vehicle and wait for assistance to arrive. The officer should maintain watch on the prisoner and not open the prisoner compartment until another officer arrives to assist.

##### **Transport Officer Encounters an Incident that Requires Police Assistance**

The primary duty of the transporting officer is the safe delivery of the prisoner in custody.

An officer transporting a prisoner shall stop to render assistance only when there is a clear, immediate and grave risk of harm to a third party and only when no other police or other emergency services unit is readily available to render assistance.

Prior to assisting, the officer will notify the Communications Center of the identity of their unit, the status of transporting a prisoner and the location and nature of the incident, along with any specific information and a request for the appropriate aid.

The officer shall only remain until other emergency assistance has arrived.

Officers who are transporting prisoners shall not stop at or become involved in a situation that may potentially create a risk of harm to the prisoner.

#### **70.1.5 Prisoner Communication**

A prisoner shall not be allowed to talk to anyone outside of the police vehicle during transport.

## **70.1.6 Procedures, Transport Destination**

### **Securing Firearms for Safekeeping**

Transporting officers will make themselves aware of and follow the weapons procedure at the transport destination where he/she is discharging his/her prisoner. The transporting officer will at no time enter a secure area or receiving area of a detention facility with a firearm, knife or other weapon of any type. If the facility does not have a place to secure weapons, i.e. lockers are at capacity, the officer shall secure weapons in the trunk of their police vehicle.

Medical facilities do not require that officers secure their weapons while in custody of a prisoner.

### **Removal of Restraints from the Prisoner**

Restraints shall only be removed on the instructions of the receiving transport destination personnel at a detention facility.

Restraint removal exceptions at a medical facility shall be in compliance with 70.3.2.

### **Delivering Documentation**

The transporting officer will be responsible for making sure all the necessary paperwork is properly exchanged with regard to the transfer.

### **Advising Agency Personnel of Medical or Security Risks**

The transporting officer will be advise the receiving agency personnel of any potential medical or security hazards involving the prisoner being transported.

### **Documentation Confirming the Transfer of Custody**

The transporting officer will be responsible for obtaining a signature or other proper documentation for receipt of the prisoner.

## **70.1.7 Procedures, Escape**

If a prisoner escapes while being transported or while in the custody of an officer, the officer shall initiate the following actions.

### *Persons to be Notified*

Immediately notify the Communications Center of the escape, the prisoner's name, description and any other pertinent information that can be quickly relayed to assist in the apprehension of the prisoner.

Have notification made to the agency or agencies in whose jurisdiction the escape has occurred, advising those agencies the information regarding the prisoner and requesting assistance.

Notification should also be made to the jurisdiction of the escapee's residence.

Have notification made to the Miami Township supervisor of the escape and of the developments in apprehending the escaped prisoner.

### *Reports to be Prepared*

As soon as practical after the escape, the transporting officer will complete and file the appropriate reports, detailing the incident. The report should be supplemented with a report of any department property damaged or taken in the offense.

### *Further Action to be Taken*

Upon completion of the necessary reports the officer will file the appropriate criminal charges for escape and any other applicable violations of law connected with the escape.

Should the prisoner be immediately apprehended without assistance from other personnel, the transporting officer should have the assistance of at least one additional officer to assist with security and transportation of the prisoner.

### **70.1.8 Notify Court of Security Risk**

Whenever there is an indication that a prisoner may be a potential hazard to the safety and security of anyone while undergoing transportation or confinement, this fact will be brought to the attention of the appropriate authority at the transport destination.

Specific reasons for this concern will be conveyed to the proper persons, such as escape risk, suicidal, mentally disturbed. This information shall be noted in writing on the detention facility commitment form or on the Application for Emergency Admission and Statement of Belief at Clermont Mercy Hospital.

## DIRECTIVE 70.2 RESTRAINING DEVICES

<b>Issue Date: 05/14/2020</b>	<b>By Order of Chief of Police</b>
<b>Rescinds: (Issue 08/20/2015) Pages: 3</b>	<b>CALEA Standards Referenced: 70.2.1</b>

**This directive consists of the following sections:**

### **[70.2.1 Detainee Restraint Methods](#)**

#### **POLICY AND PROCEDURE:**

It is the policy of the Miami Township Police Department that all prisoners shall be restrained with appropriate devices that provide for the safety of the officer and the safety of the prisoner while being transported except as provided in this directive.

### **[70.2.1 Detainee Restraint Methods](#)**

Every prisoner transported shall be secured in handcuffs with the handcuffs double locked. Prisoners shall be handcuffed with prisoners' hands behind their back except in the following circumstances:

- The transporting officer may choose in limited circumstances not to handcuff a prisoner's hands behind their back. In these cases, the prisoner hands shall be handcuffed in front of their waist with an alternate restraining device. The exceptions to handcuffing a prisoner behind the back will be limited to the following:
  - Prisoners who are crippled or otherwise physically incapacitated and incapable of escape or placing their hands behind their back.
  - Elderly, ill or pregnant persons arrested for minor offenses.
  - Any other reason that a person is physically incapable of placing their hands behind their back.

No prisoner is to be handcuffed to any part of the transporting vehicle, except in exigent circumstances where no other alternative exists. If such an incident should arise it shall be documented in writing with the prisoner's arrest report.

When a prisoner may pose a significant threat to themselves and/or the transporting officer and upon approval of a supervisor, prisoners may be restrained with department issued and approved restraining devices, i.e. hobble restraint, red man helmet. These devices shall be used only in such manner as not to cause harm or injury to the prisoner. When any additional or alternate restraining devices are used on a prisoner, the use of

such devices will be documented in the narrative of the offense report. If a hobble restraint is used on a prisoner, the officer needs to complete a Use of Force report.

Officers shall be cognizant of preventing lethal positions, i.e. Positional Asphyxia. Positional asphyxia refers to a situation where there is compromise of respiration because of splinting of the chest and/or diaphragm preventing normal respiratory excursion, or occlusion of the upper airway due to abnormal positioning of the body. (Journal of Forensic and Legal Medicine, October 2008). Officers must be aware of potentially dangerous restraint positions that need to be avoided during custodial arrest and transportation.

Positional asphyxia can occur when the prisoner's chest is restricted from expanding properly or when the position of the prisoner's head obstructs the airway.

Officers shall avoid putting weight on a restricted person's back, such as with their knee, for a prolonged period. This practice adds stress to the respiratory muscles and inhibits movement of the diaphragm and rib cage.

If temporary prone positioning is required for control, the prisoner must be closely and constantly monitored. Officers shall be aware of any obvious physical disabilities, mental state, or the possibility the person is under the influence of alcohol or narcotics.

During transport of a restrained prisoner utilizing the hobble restraint, the prisoner shall be placed on their side in the rear of the vehicle.

During transports of a restrained detainee, any sudden cessation of verbal communication or unusual quietness should be checked as a possible medical distress. Monitor the person by watch the three ABC's: Airway, Breathing and Circulation.

- Airway – The path is free of obstruction and allows the flow of air to the lungs.
- Breathing – Air flows to and from the lungs.
- Circulation – A heartbeat and pulse are present.

Many factors contribute to a person's susceptibility to positional asphyxia. There is an increased risk for positional asphyxia if one or more of the following indicators are present:

- Alcohol Intoxication
- Drugs (Especially Cocaine and other Controlled Substances)
- Physical Ailments (Obesity, Chest Deformity)
- Delirium, Bizarre or Frenzied Behavior (Mental Disease, Psychosis, Schizophrenia, Drug Intoxication)
- Respiratory Diseases (Asthma, Emphysema)

Although officers have no reason to expect death to result from restraining a person, the possibility exists. By exercising caution and common sense, the potential for in-custody deaths from positional asphyxia will be lessened.

Every prisoner in a police vehicle will be secured with a seatbelt. The only exception to this is if an officer feels he may be injured by a violent prisoner during the placement of the seatbelt or the use of alternate restraining devices prohibits the use.

At times, Miami Township Police Department officers transport prisoners who display behavior and/or threats of harm that require transport to Clermont Mercy Hospital for evaluation. Mentally disturbed persons may pose a significant threat to themselves and/or the transporting officers. In these cases, the following shall apply:

- The persons shall be restrained securely but not in a manner that may tend to cause harm to the person.
- If the person is violent, the supervisor may authorize a second officer to assist the transporting officer by either following the vehicle or riding inside the vehicle.
- When it appears that a person's violent or bizarre behavior may constitute a risk of harm to themselves or to others, the persons may be transported in restraints on a stretcher in an EMS vehicle. This method of transportation should only be used when no other method is feasible. In this case, the officer shall ride in the EMS vehicle with the prisoner.

**DIRECTIVE 70.3**  
**SPECIAL TRANSPORT SITUATIONS**

<b>Issue Date: 05/14/2020</b>	<b>By Order of Chief of Police</b>
<b>Rescinds: (Issue 08/20/2015)</b>	<b>CALEA Standards</b>
<b>Pages: 3</b>	<b>Referenced: 70.3.1; 70.3.2 &amp; 70.3.3</b>

**This directive consists of the following sections:**

- 70.3.1 Sick, Injured, Disabled**
- 70.3.2 Hospital Security and Control**
- 70.3.3 Special Situations - N/A by Function**

**POLICY AND PROCEDURE:**

It is the policy of the Miami Township Police Department that officers shall follow established procedures while transporting persons in special situations, including providing for the safety of officers, and safety and security of prisoners and the general public.

**70.3.1 Sick, Injured, Disabled**

Restraint devices placed on a prisoner shall remain on the prisoner unless a medical emergency is underway and attending medical personnel state the restraints need to be removed as it applies to their medical treatment of the prisoner.

A prisoner who states they are in need of Emergency Medical Services or the transporting officer observes a prisoner in need of Emergency Medical Services prior to transport, the local emergency medical service will be contacted to provide emergency medical treatment for the prisoner.

If while in transport the need for medical attention becomes apparent the transporting officer will contact the shift supervisor and act at his direction. If the ailment appears to be life threatening, the officer will make appropriate notification to request emergency medical assistance and take a stationary position of safety to await medical assistance. In no case shall an officer sign for treatment or payment of medical bills for a prisoner.

The emergency medical services' protocol will dictate whether the prisoner is to be transported or treated and released by the medical service.

If a sick, injured or disabled prisoner is to be transported by Emergency Medical Services an officer will ride in the EMS vehicle with the prisoner. The officer will utilize their discretion on whether to remove their handcuffs and instead use the leather restraints on

the stretcher with the EMS vehicle during transport. This decision will be based on safety concerns for the prisoner, the medics and officer within the transporting squad.

The officer will have the security department of the medical facility notified of the transport and request their assistance on arrival, if necessary.

Prisoners who have physical conditions that prohibit their mobility will be transported in a police vehicle if possible. The type of vehicle used may be a consideration when transporting non-ambulatory prisoners or those requiring wheelchairs, crutches or prosthetic appliances.

Should an officer be unable to transport a prisoner with a physical condition in a police vehicle, the officer shall consult with his shift supervisor. If the actions of the prisoner allow for soft restraints then the prisoner may be transported in restraints on a stretcher in an EMS vehicle. This method of transportation should only be used when no other method is feasible. The officer shall ride in the EMS vehicle with the prisoner.

The transporting officer should make sure that all necessary medication and medical devices are transported with the prisoner.

At times, Miami Township Police Department officers transport prisoners who display behavior and/or threats of harm that require transport to Clermont Mercy Hospital for evaluation. Mentally disturbed persons may pose a significant threat to themselves and/or the transporting officers. In these cases, the following shall apply:

- The persons shall be restrained securely but not in a manner that may tend to cause harm to the person.
- If the person is violent, the supervisor may authorize a second officer to assist the transporting officer by either following the vehicle or riding inside the vehicle.
- When it appears that a person's violent or bizarre behavior may constitute a risk of harm to themselves or to others, the persons may be transported in restraints on a stretcher in an EMS vehicle. This method of transportation should only be used when no other method is feasible. In this case, the officer shall ride in the EMS vehicle with the prisoner.

### **70.3.2 Hospital Security and Control**

Restraint devices placed on a prisoner shall remain on the prisoner unless a medical emergency is underway and attending medical personnel state the restraints need to be removed as it applies to their medical treatment of the prisoner.

At the medical facility, officers shall maintain visual contact of the prisoner unless medical personnel require the removal of the officer from the treatment area. Should this occur, the officer shall remain immediately outside of the treatment area.

Any hospital documentation obtained will be included in the arrest information of the prisoner.

If a prisoner is to be admitted to a medical facility, the transporting officer should determine if the prisoner will need to be continually guarded or if the prisoner may be summonsed and released. The officer shall contact a supervisor to determine whether the prisoner is to be continually guarded or is to be summonsed. The decision shall be based upon the seriousness of the offense, the potential threat to the community and the probability that the prisoner will appear in court on the summons.

### **70.3.3 Special Situations – N/A by Function**

Miami Township Police Department does not participate in Special Situations for transporting detainees.

## **DIRECTIVE 70.4 TRANSPORT EQUIPMENT**

<b>Issue Date: 05/14/2020</b>	<b>By Order of Chief of Police</b>
<b>Rescinds: (Issue 07/24/2009) Pages: 1</b>	<b>CALEA Standards Referenced: 70.4.1 &amp; 70.4.2</b>

**This directive consists of the following sections:**

**[70.4.1 Vehicle Safety Barriers](#)**

**[70.4.2 Rear Compartment Modifications](#)**

**POLICY AND PROCEDURE:**

It is the policy of the Miami Township Police Department that all police vehicles used primarily for prisoner transport be equipped with a safety barrier separating prisoners from driving officers and to have all patrol vehicles that are used to transport prisoners modified in such a way as to enhance detainee security and prevent prisoner escape during transport.

**[70.4.1 Vehicle Safety Barriers](#)**

Vehicles used primarily for transporting prisoners will have a safety barrier present that separates the driver from the prisoner. Officers will sit in the front seat and prisoners will sit in the rear seat.

**[70.4.2 Rear Compartment Modifications](#)**

Vehicles used primarily for transporting prisoners will be modified to minimize the opportunities for the prisoner to exit from the rear compartment. The vehicle window and door lock mechanisms shall be disabled to prevent their operation from within the rear seat area of the vehicle.

**DIRECTIVE 71.1  
PROCESSING AND TEMPORARY DETENTION  
AUTHORIZATION**

<b>Issue Date: 05/20/2020</b>	<b>By Order of Chief of Police</b>
<b>Rescinds: (Issue 08/20/2015) Pages: 1</b>	<b>CALEA Standards Referenced: 71.1.1</b>

**This directive consists of the following sections:**

**[71.1.1 Designated Rooms or Areas](#)**

**POLICY AND PROCEDURE:**

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.

**[71.1.1. Designated Rooms or Areas](#)**

The Miami Township Police Department does not operate any temporary holding facilities, temporary detention rooms or any incarceration facilities. All detainees requiring incarceration are transported to the Clermont County Sheriff's Department Jail or the Clermont County Juvenile Detention Facility.

Officers of the Department do transport and hold detainees for arrest and processing purposes for short periods of time at the Miami Township 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 Miami Township Police Department for processing and/or testing longer than the actual amount of time required to do so.

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.

**DIRECTIVE 71.3**  
**DETAINEE PROCESSING AND CONTROL**

<b>Issue Date: 05/20/2020</b>	<b>By Order of Chief of Police</b>
<b>Rescinds: (Issue 08/20/2015)</b>	<b>CALEA Standards</b>
<b>Pages: 2</b>	<b>Referenced: 71.3.1; 71.3.2 &amp; 71.3.3</b>

**This directive consists of the following sections:**

**71.3.1 Procedures - N/A by Function**

**71.3.2 Immovable Objects**

**71.3.3 Security in Designated Temporary Detention Processing and Testing  
Rooms/Areas - N/A by Function**

**POLICY AND PROCEDURE:**

The purpose of detainee control is for the processing or testing of detainees 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.

**71.3.1 Procedures – N/A by Function**

Miami Township Police Department does not participate in Procedures in regard to detainee processing and control.

**71.3.2 Detainee Processing & Control**

Officers shall always keep their detainees under continual supervision and control.

No officer shall secure a detainee to any furniture or fixture of any type.

Detainees may be handcuffed while they are being processed prior to release and/or transportation to the approved detention facility.

**Security Concerns in Designated Processing on Testing Rooms/Areas**

**Constant Supervision**

It is the policy of the Miami Township 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.

All detainees will be signed in by the detaining officer on the Detainee Processing and Testing Log located in the patrol room or intoxilyzer room. All officers shall complete the detainee information on the Detainee Processing and Testing sheet on the back of the suspect arrest sheet.

#### *Weapons Control*

As a safety measure, gun lockers are located in the processing/testing area so that officers may secure their firearms before they enter this area. Officers are not required to secure their weapons; however, if an officer believes that the situation requires it; weapons can be secured in a gun locker.

#### *Panic or Duress Alarms*

All personnel processing detainees shall be equipped with a two-way radio. Notification shall be made to Clermont County Department of Public Safety, advising them of the officers' status that they are processing/testing a detainee. In the event of an emergency requiring immediate assistance, the officer will make an officer needs assistance request to the Clermont County Department of Public Safety.

#### *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 Miami Township Police Department.

#### **71.3.3 Security in Designated Temporary Detention Processing and Testing Rooms/Areas – N/A by Function**

Miami Township Police Department does not participate in Security in Designated Temporary Detention Processing and Testing Rooms/Areas in regard to detainee processing and control.

**DIRECTIVE 74.1**  
**LEGAL PROCESS RECORDS**

<b>Issue Date: 05/27/2020</b>	<b>By Order of Chief of Police</b>
<b>Rescinds: (Issue 07/24/2009)</b>	<b>CALEA Standards</b>
<b>Pages: 4</b>	<b>Referenced: 74.1.1; 74.1.2 &amp; 74.1.3</b>

**This directive consists of the following sections:**

- [\*\*74.1.1 Information, Recording\*\*](#)
- [\*\*74.1.2 Execution/Attempt Service, Recording\*\*](#)
- [\*\*74.1.3 Warrant/Wanted Person Procedures\*\*](#)

**POLICY AND PROCEDURE:**

The functioning of the courts is affected by the prompt service of court documents. Thus, effectiveness and image of the judicial system are dependent, in part, upon the effective and timely service of court documents. Inadequate record keeping and/or inappropriate procedures may subject a law enforcement agency to litigation or liability. Miami Township Police Department shall provide for the effective and efficient processing and service of warrants directed to this agency for service.

All civil actions including the processing and serving of civil warrants are conducted by the Clermont County Sheriff's Office. Miami Township Police Department is not required to serve civil warrants or other civil papers.

**[74.1.1 Information, Recording](#)**

All arrest warrants received from Clermont County Municipal Court will be submitted to records personnel for validation. The validation of an arrest warrant will be based upon the accuracy and completeness of the warrant. Each arrest warrant will consist of an original arrest warrant, defendant's copy of the arrest warrant and a criminal complaint. Bench warrants will be certified copies.

Arrest warrants found to be invalid will have the reason for which they were found to be invalid attached and returned to the Municipal Clerk of Courts Office.

Validated arrest warrants will be promptly processed, placed in a service shuck and entered in the department's in-house computer system.

Information regarding each item of arrest warrant is recorded and includes the following elements:

- Date and Time Received
- Type of Legal Process
- Nature of Document
- Source of Document
- Name of Complainant and Name of Defendant
- Department Assigned for Service
- Date of Assignment
- Court Docket Number
- Date Service Due

Records personnel shall make a copy to be placed in the warrant file in records.

Processed arrest warrants will be placed in the warrant bins in the patrol room in the appropriate district where the defendant resides.

#### **74.1.2 Execution/Attempt Service, Recording**

Arrest warrant service shall be performed by sworn personnel 24/7. All sworn personnel are responsible for the service or attempted service of arrests warrant in their assigned district.

A record on the execution or attempted service of arrest warrants is maintained and includes:

- Date and Time Service was Executed or Attempted
- Name of Officer Executing or Attempting Service
- Name of Person on Whom Legal Process was Served
- Method of Service or Reason for Non-Service
- Address of Service or Attempt

#### **74.1.3 Warrant/Wanted Person Procedures**

Miami Township does not enter or remove warrants in regional, state or federal information systems. This is a function of the Clermont County Department of Public Safety. The Miami Township Police Department contracts with the Clermont County Department of Public Safety, which includes the data transmission systems which include: LEADS/NCIC. The Standard Operating Procedures of the Clermont County Department of Public Safety shall be followed regarding the following:

- Criteria for Entering Notices in Regional, State and Federal Information Systems
- Criteria for Receiving Information from other Agencies
- Recording Information in Agency Files
- Verifying Information
- Distribution of Information to Agency Personnel
- Cancelling Information

- 24-Hour Access

#### *Criteria for Entering Notices in Information Systems*

Information concerning active warrants will be recorded in agency files as previously mentioned through the in-house records management software.

#### *Criteria for Receiving Information from other Agencies*

Upon notification of an arrest warrant from another jurisdiction an officer, after verifying that the warrant is valid and active, shall:

- When the person named in the arrest warrant is in their possession, take the person into custody after making arrangements with the agency who shall make service of the arrest warrant and will be taking custody of the person that is to be arrested.
- When the person named in the arrest warrant is in their possession, take the person into custody and issue a recite, if the agency requests the officer to do so.

If officers are requested to make service on a warrant of a person not in their custody, the officer shall make a reasonable attempt to do so. Officers shall document in writing their activities in verification of and service or attempts at making service on such warrants. The Clermont County Department of Public Safety shall require a teletype confirmation or copy of the warrant, verifying that a warrant exists and detailing the information of the person to be arrested before making service on such warrant.

#### *Recording Information in Agency Files*

Records personnel shall enter validated warrant information on warrant shucks and in the in-house records management software.

#### *Cancelling Information*

If cases where warrant service is made, officers shall be responsible for notifying the Clermont County Department of Public Safety of service so that the removal of warrants in regional, state or federal information systems occurs. Officer shall also:

- Physical Arrest – Indicate the execution of service on the warrant shuck, place the shuck in the pending approval paperwork bin.
- Summons in Lieu of Arrest – Indicate the execution of service on the warrant shuck, place the shuck in the pending approval paperwork bin with the summons endorsement/executed warrant by summons attached.
- Recite Issuance - Indicate the execution of service on the warrant shuck, place the shuck in the pending approval paperwork bin with the new misdemeanor summons attached.

In cases where service is not made officers shall be responsible for placing the shuck in the pending approval paperwork bin with all included documents within the shuck.

Records personnel shall do the following:

- Return the Summons in lieu of arrest document or recite summons to the Clermont County Clerks of Court.
- In cases where service was not made, records personnel shall return the original warrant with the reason for non-service indicated to the Clermont County Municipal Court.
- Update the in-house computer records management software with service or non-service information obtained from warrant shuck.

*Requiring 24-Hour Access to Warrants*

Processed arrest warrants will be maintained in the district car assigned or the patrol area, accessible to department personnel 24-hours a day.

**DIRECTIVE 74.3  
CRIMINAL PROCESS**

<b>Issue Date: 05/27/2020</b>	<b>By Order of Chief of Police</b>
<b>Rescinds: (Issue 06/21/2012) Pages: 4</b>	<b>CALEA Standards Referenced: 74.3.1 &amp; 74.3.2</b>

**This directive consists of the following sections:**

[\*\*74.3.1 Procedure, Criminal Process\*\*](#)

[\*\*74.3.2 Arrest Warrants Require Sworn Service\*\*](#)

**POLICY AND PROCEDURE:**

The functioning of the courts is affected by the prompt service of court documents. Thus, effectiveness and image of the judicial system are dependent, in part, upon the effective and timely service of court documents. Inadequate record keeping and/or inappropriate procedures may subject a law enforcement agency to litigation or liability. Miami Township Police Department shall provide for the effective and efficient processing and service of warrants directed to this agency for service.

[\*\*74.3.1 Procedure, Criminal Process\*\*](#)

[Arrest Warrants](#)

Processed arrest warrants will be maintained in the patrol room in the warrant bin. Records personnel shall place the warrant shuck containing the original and defendant's copy of the criminal complaint in the warrant bin.

All arrest warrant assigned shall have a service period not to exceed 45 days from receipt.

Arrest warrant service shall be performed solely by sworn personnel. Officers shall attempt service of arrest warrants 24/7 in the district they are assigned or as directed by the shift supervisor.

A copy of the arrest warrant will be maintained in records. This copy shall be maintained until a warrant is executed, transferred or recalled.

Officers shall record the method of execution of service or reason for non-service on the warrant shuck.

### Arrest Warrant Execution

Upon execution of service of a warrant, officers must confirm the validity of a warrant via the Remote Management System (RMS) or Clermont County Department of Public Safety. During office hours, officers may contact Clermont County Municipal Clerk of Courts to confirm the validity of the warrant.

Upon confirmation, the officer executing service shall either physically arrest, issue a summons in lieu of arrest or issue a recite. The decision on method of service is based upon:

- Service Ordered & Indicated on Warrant
- Ohio Rules of Criminal Procedure, Rule 4
- Special Orders of the Clermont County Sheriff Based on Jail Availability

### Physical Arrest

Felony arrest warrants shall and bench warrants may be executed by the physical arrest of the person named in the arrest warrant based upon the factors indicated above. Upon physical arrest, the officer shall read the complaint to the defendant, complete the return of executed warrant by arrest and serve the arrest warrant upon the defendant. The officer shall notify the Municipal Clerk of Courts office that the warrant was served. Persons arrested will be transported to the Clermont County Jail for processing. The officer shall file a temporary commitment form at the jail and leave the original arrest warrant with the completed return to the Clerk of Courts.

### Summons in Lieu of Arrest

Misdemeanor arrest warrants and bench warrants may be executed by summons in lieu of custodial arrest based upon the factors indicated above.

Prior to the execution of a summons in lieu of arrest, officers must confirm the validity of the arrest warrant. Upon confirmation, the executing officer shall read the complaint to the defendant, complete the summons endorsement, complete the return of executed warrant by summons and serve the summons and a copy of the criminal complaint upon the defendant. The officer shall notify the Municipal Clerk of Courts Office that the warrant has been served.

### Recite Issuance

Bench Warrants may be executed by issuance of a recite based upon the factors indicated above.

Prior to the execution of a recite, officers must confirm the validity of the bench warrant. Upon confirmation, the executing officer shall read the complaint to the defendant, serve a copy of the bench warrant upon the defendant and issue a new misdemeanor summons to the defendant. In the offense block of the misdemeanor summons form, the officer shall indicate the case number being recited. The officer shall notify the Municipal Clerk of Courts Office that the warrant has been served.

## Arrest Warrants Served Outside of Jurisdiction

Criminal arrest warrants are normally served by the agency having jurisdiction at the defendant's listed address. Occasionally, Miami Township will file a warrant and have immediate knowledge of the defendant's whereabouts in a neighboring jurisdiction. Officers are authorized to attempt service but shall first notify the affected jurisdiction. If the other jurisdiction wants to accompany the officer, they may do so.

Warrants issued for traffic offenses are sent to the arresting agency regardless of the defendant's address. If the warrant is for the offense of Operating a Vehicle Intoxicated and the defendant lives in Miami Township or a neighboring jurisdiction, the warrant will be processed, attempted and served per normal procedures. If the warrant is for the offense of Operating a Vehicle Intoxicated and the offender lives outside of a neighboring jurisdiction or if the warrant is for any other traffic offense, the warrant service criteria form attached to the warrant must be completed with the choice 'The defendant does not reside in our jurisdiction', and returned to the Clerk's Office.

## Search Warrants

Miami Township Police Department recognizes the rights of all citizens to be secure in their persons and property against unreasonable searches and seizures as guaranteed by the constitution. Whenever an officer engages in a search and/or seizure in the course of an investigation, which is not defined as an exception to the requirement for a warrant, that search and/or seizure will be conducted under a valid search and seizure warrant.

Search warrants are valuable tools available to law enforcement that enable the seizure of items necessary for successful investigations. This directive is intended to establish guidelines for officers to follow in applying for and execution of search warrants.

Any search warrant sought or executed by the Miami Township Police Department shall be in compliance with the following statutes:

### Search Warrants General

Ohio Revised Code – 2933.21	Search Warrant
Ohio Revised Code – 2933.22	Probable Cause
Ohio Revised Code – 2933.23	Affidavit for Search Warrant
Ohio Revised Code – 2933.231	Waiver of Statutory Precondition for Non-Consensual Entry
Ohio Revised Code – 2933.24	Contents of Search Warrant; Report of Inspection Findings
Ohio Revised Code – 2933.241	Inventory of Property Taken
Ohio Revised Code – 2933.25	Form of Search Warrant
Ohio Revised Code – 2933.26	Property Seized to be Kept by Court
Ohio Revised Code – 2933.27	Disposition of Property before Trial
Ohio Revised Code – 2933.29	Property Seized Liable for Fines
Ohio Revised Code – 2933.30	Search for Dead Bodies
Ohio Revised Code – 2933.31	Search in Case of Animals

## Body Cavity or Strip Searches Warrants

Ohio Revised Code – 2933.32 Conduct of Body Cavity or Strip Search;  
Conditions; Methods; Reports; Offense

## Interception of Communications Warrants

Ohio Revised Code – 2933.51 Definitions  
Ohio Revised Code – 2933.52 Prohibitions against Interception of  
Communications; Exceptions  
Ohio Revised Code – 2933.522 Authority of Judges of Courts of Common Pleas  
Ohio Revised Code – 2933.53 Application for Interception Warrant; Contents;  
Exemptions  
Ohio Revised Code – 2933.54 Issuance of Interception Warrant; Hearings  
Ohio Revised Code – 2933.55 Extension of Interception Warrant; Approval of  
Interceptions Beyond Scope of Warrant  
Ohio Revised Code – 2933.56 Contents of Interception Warrant; Sealing of  
records  
Ohio Revised Code – 2933.57 Oral Order for Interception without Warrant  
Ohio Revised Code – 2933.58 Instruction of Investigative Officers; Privileged  
Communications; Validity of Warrant  
Ohio Revised Code – 2933.581 Assistance by Provider of Electronic  
Communication Service; Landlord, or Custodian;  
Prohibition against Disclosure of Existence of  
Interception  
Ohio Revised Code – 2933.59 Execution of Interception Warrant; Altering  
Recordings or Resumes; Disclosure of Information  
Ohio Revised Code – 2933.591 Giving Warning of Possible Surveillance  
Ohio Revised Code – 2933.60 Expiration or Denial of Interception Warrant;  
Reports  
Ohio Revised Code – 2933.61 Notice to Parties of Intercepted Communications  
Ohio Revised Code – 2933.62 Use of Intercepted Communication in Evidence  
Ohio Revised Code – 2933.63 Suppression of Contents of Intercepted  
Communication  
Ohio Revised Code – 2933.66 Proceedings to Conform with Constitutional  
Provisions

## Pen Registers; Trap and Trace Devices

Ohio Revised Code – 2933.76 Order Authorizing Installation and Use of Pen  
Register or Trap and Trace Devices  
Ohio Revised Code – 2933.77 Assistance by Provider of Electronic  
Communication Service, Landlord, or Custodian

Officers seeking additional information concerning search warrants may contact the  
Clermont County Prosecutor or Supervisory Staff

### **74.3.2 Arrest Warrants Require Sworn Service**

Arrest warrants and search warrants are only executed/served by sworn officers.

# DIRECTIVE 81.1

## COMMUNICATIONS ADMINISTRATION

<b>Issue Date: 05/22/2020</b>	<b>By Order of Chief of Police</b>
<b>Rescinds: (Issue 07/24/2009)</b> <b>Pages: 1</b>	<b>CALEA Standards</b> <b>Referenced: 81.1.1 &amp; 81.1.2</b>

**This directive consists of the following sections:**

[\*\*81.1.1 Agreements, Shared / Regional Facility\*\*](#)

[\*\*81.1.2 Operations Meet FCC Requirements\*\*](#)

### **POLICY AND PROCEDURE:**

The communications function is the vital link between the community and the officers and/or employees who deliver the police services to the community. The communications system must be responsive to the needs of the community for the efficient delivery of police services by department personnel. This directive services to establish responsibility and accountability for the communications function.

#### **[81.1.1 Agreements, Shared / Regional Facility](#)**

The Clermont County Department of Public Safety Services (CDPSS) is under the control of the Clermont County Board of Commissioners. Miami Township Police Department has executed a written agreement with the Clermont County Commissioners to authorize the CDPSS to provide specific services to the Miami Township Police Department. The CDPSS provides radio and mobile data terminal communications services to the Miami Township Police Department.

#### **[81.1.2 Operations Meet FCC Requirements](#)**

The CDPSS and the Miami Township Police Department shall conduct all communications operations in accordance with adopted policies and Federal Communication Commissions requirements.

Members of the Miami Township Police Department shall utilize communications systems only for the proper transmission of police related messages. Members shall strive to keep all messages professional, concise and complete as possible. At no time shall a member of the department disrupt or misuse the communication systems.

## DIRECTIVE 81.2 COMMUNICATIONS OPERATIONS

<b>Issue Date: 05/22/2020</b>	<b>By Order of Chief of Police</b>
<b>Rescinds: (Issue 07/28/2015)</b>	<b>CALEA Standards Referenced: 81.2.1; 81.2.2; 81.2.3; 81.2.4; 81.2.5; 81.2.6; 81.2.7; 81.2.8; 81.2.9; 81.2.10; 81.2.11; 81.2.12 &amp; 81.2.13</b>
<b>Pages: 10</b>	

**This directive consists of the following sections:**

- 81.2.1 24-Hour, Toll Free Service**
- 81.2.2 Continuous, Two-Way Capability**
- 81.2.3 Recording Information**
- 81.2.4 Radio Communication Procedures**
- 81.2.5 Access to Resources**
- 81.2.6 Calls for Service Information Victim/Witness Calls**
- 81.2.7 Recording and Playback**
- 81.2.8 Local/State/Federal CJI Systems**
- 81.2.9 Alternative Methods of Communication - N/A by Function**
- 81.2.10 Emergency Messages**
- 81.2.11 Misdirected Emergency Calls**
- 81.2.12 Private Security Alarms**
- 81.2.13 First Aid Instruction**

**POLICY AND PROCEDURE:**

The basic function of the Clermont County Department of Public Safety Services (CDPSS) is to satisfy the immediate information needs of the Miami Township Police Department in the course of its normal daily activities and during emergencies. The CDPSS conveys information received from the public to department personnel who respond to the call for assistance, to other law enforcement and public service agencies and to information storage facilities and retrieval subsystems.

**81.2.1 24 Hour, Toll Free Service**

The CDPSS provides 24-hour, toll free voice and TDD telephone access for emergency and non-emergency calls for service.

### **81.2.2 Continuous, Two-Way Capability**

The CDPSS will maintain 24-hour two-way communication capability between the CDPSS and the Miami Township Police Department by which department members in vehicles or on foot may be in constant contact with CDPSS and with each other.

### **81.2.3 Recording Information**

The CDPSS shall make a record of all calls for service, obtaining and recording relevant information of each request for service or self-initiated activity, to include:

- Control Number;
- Date and Time of Request;
- Name and Address of Complainant, if Possible;
- Type of Incident Reported;
- Location of Incident Reported;
- Identification of Officers Assigned as Primary and Backup;
- Time of Dispatch;
- Time of Officer Arrival;
- Time of Officer Return to Service;
- Disposition of Status of Report Incident.

### **81.2.4 Radio Communication Procedures**

#### *Methods and Circumstances Requiring Communications by Field Personnel*

It is the responsibility of the CDPSS to effectively use the Computer Aided Dispatch system (CAD), the 800 Mhz radio system and the Mobile Data Computer system (MDC) to dispatch all routine and emergency police traffic in a timely manner.

Officers shall receive all priority 1, 2 & 3 calls for service by voice transmission as well as delivered to the MDC. Priority 4 calls may be assigned directly to the Mobile Data Computer without full voice dispatch. In this circumstance, a voice cue should be made to the assigned unit i.e. 7M11, a public service to your MDC.

Miami Township Police personnel will be required to communicate with the CDPSS 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 CDPSS and Department Procedure.

The CDPSS 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.

#### *Recording Status of Field Personnel When Out of Service*

Personnel shall notify the CDPSS when out of service; the CDPSS shall record the status in the dispatch system.

#### *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.

#### *Communication with Interacting Agencies*

The CDPSS and Miami Township personnel maintain communication with interacting agencies via the 800Mhz radio system or mobile data computers, if the agency is a participating member in the CDPSS.

The Miami Township Police Department provides for inter-jurisdictional radio communications by maintaining a LEERN (Law Enforcement Emergency Radio Network) radio channel in each police vehicle utilized for patrol or investigative purposes.

#### *Assignment of the Number of Field Personnel In Response to an Incident*

The following situations shall require the dispatch of two police units:

- Any Crime in Progress;
- A Report of Unknown Trouble;
- A Report of a Domestic Problem;
- A Report of an Officer Needing Assistance;
- An Incident Where the Suspect has Recently Fled the Scene;
- Security Alarm Activation;
- Disturbance Involving Intoxicated or Disorderly Persons;
- Report of Disorderly Crowd;
- Incident Involving the use or Possible use of a Weapon;
- On Scene Arrest for a Felony or Violent Misdemeanor;
- Open Building Calls or when such Incident is Found.

- Any other call where in the opinion of the dispatcher or police supervisor, there exists a need to send two officers either because of known serious nature of the call or insufficient information is known to adequately pre-assess the situation and for the safety of responding officers, two or more units are believed necessary.

Supervisors who monitor an initial radio dispatch of a one-officer unit to any of the above listed situations shall immediately request another unit to be dispatched, should the CDPSS not automatically dispatch a second unit.

Supervisors or responding officers may request a back-up unit on initial dispatch or when they initiate a detail for any situation for which they know or suspect another unit may be needed to assist.

*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 Township Owned Vehicle.

*Responding to Field Personnel Emergency Request for Assistance*

Miami Township personnel have permanently assigned radios which have a unique identifier entered in the computerized dispatch system. Radios have an Emergency Request for Assistance button. When an emergency request for assistance is received, the CDPSS 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 CDPSS are aware of reset procedures.

Anytime an officer requires immediate additional assistance they must use the 800MHz radio either by voice transmission or by pressing the emergency request for assistance button.

### 81.2.5 Access to Resources

CDPSS personnel have immediate access to at least the following departmental resources:

#### *Officer In Charge*

The Officer in charge is identified by his/her call number on MDC login prior to shift.

#### *Duty Roster of All Personnel*

The Duty Roster is created by the CDPSS from officer MDC logins prior to each shift. The officers' call number details district assignments. Officers working special details shall notify the CDPSS on their arrival. The CDPSS shall enter the information into the computerized dispatch system.

#### *Residential (Personal) Telephone Number of Every Agency Member*

The Support Services Supervisor will forward to the CDPSS a roster of all department personnel. The roster shall include employee name, badge number, personal telephone number and if applicable, department cellular phone number. The Support Services Supervisor shall notify the CDPSS when any changes occur in the personnel roster.

#### *Visual Maps Detailing Agency Service Area*

The CDPSS maintains and provides to personnel visual maps of the department service area.

#### *Officer Status Indicators*

The CDPSS maintains a computer aided dispatch system, which provides personnel with the status of on duty units.

#### *Written Procedures and Telephone Numbers, External Services to the Agency*

The CDPSS maintains written procedures and telephone numbers for procuring emergency and necessary external services for the Miami Township 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.

### *Tactical Dispatching Plans*

The CDPSS maintains and provides access to personnel of tactical dispatching plans adopted for use by the Miami Township Police Department.

### **81.2.6 Calls for Service Information Victim / Witness Calls**

#### *Judging Characteristics to Determine Emergency or Non-Emergency Response*

The CDPSS maintains call guides for use in evaluating call handling and response. The computer aided dispatch system also provides call prompts for Priority 1 calls.

CDPSS personnel shall evaluate the type and nature of all calls; seek all pertinent information to enhance the safety of the responding units, determine the type of response necessary and assist in anticipating conditions likely to be encountered at the scene.

#### *Informing Caller of Response and/or Referral to Other Agencies*

CDPSS personnel will notify the caller of the response of the Miami Township Police Department or if more appropriate, referral to another agency or social service agency for assistance.

When appropriate, CDPSS personnel will keep the caller on the phone, to provide reassurance and/or obtain additional information for the responding units.

#### *Victim/Witness Requests for Information*

The Miami Township Police Department makes the following victim/witness assistance information available 24 hours a day by the agency directly:

- Emergency or routine response as needed to calls for assistance or information.
- Crime Victim Information Packet:
  - Your Rights & Responsibilities as a Crime Victim;
  - Victim Information & Notification Everyday (VINE);
  - Clermont County Victim Assistance Brochure;
  - Crisis Information Service Directory & 24-Hour Hotline Resources.

It is the policy of the CDPSS to maintain a current list of telephone numbers of emergency service agencies. These numbers are immediately available to all personnel in the CAD Dialer File.

## **81.2.7 Recording and Playback**

### **Recording Retention**

The CDPSS maintains a Dynamic Instruments System to record all incoming and outgoing radio traffic on the primary radio frequencies, and to record all 911 and 7-digit lines used in operations. These recordings are maintained for three months. CDPSS also maintains Mobile Data Computer logs for a period of ninety days. The CDPSS maintains sufficient data recording tapes to allow for the retention of recorded material indefinitely, upon request.

The CDPSS also has the capability of immediate playback of recorded telephone and radio conversations.

### **Secure Handling & Storage for Recordings**

Access to recording and mobile data computer logs is restricted to CDPSS center personnel.

### **Criteria and Procedures for Reviewing Recorded Conversations**

CDPSS responds to any request for release of information that is deemed a public record and in their keeping. The CDPSS makes every attempt to process all requests within 72 hours of the request.

## **81.2.8 Local/State/Federal CJI Systems**

The CDPSS utilizes and participates in available criminal justice information systems to include: Law Enforcement Automated Data System (LEADS) and the National Crime Information Center (NCIC).

The Miami Township Police Department utilizes and participates in available criminal justice information services to include: Law Enforcement Automated Data System (LEADS). The LEADS system is interfaced with other state and federal systems. Other systems that will be used by Miami Township Police include the National Law Enforcement Telecommunication System (NLETS), and National Crime Information Center (NCIC).

The LEADS system is owned and operated by the State of Ohio. Access to the system is maintained by paying an annual service fee and obeying all rules and requirements as established by policy and or newsletters.

The LEADS system shall be available for the use of all members of the police department that meet the following criteria.

- Member must be properly trained by the Terminal Agency Coordinator (TAC) or the assistant TAC.
- Member must successfully receive a passing grade on the LEADS Certification test.
- Member must have a need to access the data due to job function.

The Terminal Agency Coordinator (TAC) is a position appointed by the Chief of Police. The TAC is responsible for the daily functions of the LEADS/ NCIC System. The TAC shall be responsible for the following:

- Attend all LEADS Training scheduled by the LEADS Administrators.
- Disseminate information from training, videos, newsletters, and other sources that are required review by all operators.
- Participate and aid in all audits conducted by LEADS Auditing.
- Act as a liaison between the CDPSS Center and the Police department in LEADS/NCIC related matters.
- The TAC/Assistant TAC shall aid in all required LEADS/NCIC validation processes.
- The TAC shall assure all new operators are fingerprinted on an applicant card. The applicant card shall be sent to BCI & I for a criminal history check.
- Train new operators in the proper use of the LEADS/NCIC system.
- All other functions of the TAC as outlined in the LEADS manual.

The data accessed through LEADS, NCIC, NLETS and other intra-state systems is restricted to the use of authorized criminal justice agencies. The information is not to be sold, transmitted or disseminated to any non-law enforcement agency, non-criminal justice agency or unauthorized person. Criminal justice agencies include law enforcement agencies, Municipal Court, Common Pleas Court, Juvenile Court, Prosecutors, Adult Probation, and the Clermont County Department of Public Safety Services. Printouts that are disseminated to another agency shall be stamped with a stamp indicating whom the information was released to, the date released, the unit number and name of the person releasing the information.

Criminal History Printouts: LEADS operators must receive a passing grade on the test designed by NCIC in order to access the criminal history file. When retention of the criminal history information is no longer required, disposal will be accomplished in a secure manner so as to thoroughly destroy all elements of the records and preclude unauthorized viewing, access, or use.

Improper use or dissemination of information obtained through the Law Enforcement Automated Data System (LEADS), National Crime Information Center (NCIC) or National Law Enforcement Telecommunications System (NLETS) will result in departmental discipline in the form of counseling, reprimand, or dismissal depending on the individual circumstances. Other sanctions may include suspension of LEADS services and loss of terminal. The offender may be charged with criminal charges under

Ohio Revised Code section 2913.04, 2913.05, 2913.06, 2913.42, or any other section that prohibits the individual acts that are prohibited.

### **81.2.9 Alternative Methods of Communication – N/A by Function**

Miami Township Police Department does not participate in Alternative Methods of Communication.

### **81.2.10 Emergency Messages**

The delivery of emergency messages is a legitimate law enforcement function, therefore, the CDPSS upon receipt of information which may involve the delivery of an emergency message, will notify the appropriate jurisdiction.

Miami Township Police Department personnel will deliver emergency messages when any of the following conditions are met:

- Notification of next of kin, in the event of death or medical emergency.
- Notification to a person to make an emergency phone call concerning a death or medical emergency.
- Notification of next of kin in the event of a traffic accident, when it is necessary for the person contacted, to take some immediate action
- Notification to a person to request assistance for a stranded person.
- Any other situation in which the shift supervisor feels there is justification to deliver an emergency message.

### **81.2.11 Misdirected Emergency Calls**

CDPSS provides for the prompt routing of misdirected emergency calls.

Should an emergency call be received at the Miami Township Police Department, the employee receiving such call shall immediately transfer the call to the CDPSS. Should an exigent circumstance exist that immediate transfer is impossible; the employee receiving such call shall obtain as much pertinent information as possible and immediately contact the CDPSS with information known.

### **81.2.12 Private Security Alarms**

The CDPSS dispatches alarm drops from systems designed to terminate at remote monitoring stations. Upon receipt of an alarm in Miami Township, personnel will be dispatched. Should an alarm call be directed to the Miami Township Police Department building, the employee receiving such call shall transfer the call to the CDPSS.

The Miami Township Police Department shall respond to all reported security, fire and medical emergency alarms pursuant to the department's vehicle operation procedures.

### *False Alarm Reporting & Procedure*

Officers shall investigate the origin of all alarms and report those security alarms that were activated due to system malfunction or operator error as a false alarm.

For the purpose of this policy, weather related alarm activation shall not be classified as a false alarm.

For the purpose of this directive, excessive false alarms shall be any false alarm of the same commercial or residential security alarm system within the township in the same calendar year after three incidents.

After three incidents, in a calendar year, responding officer will notify the Crime Prevention/Community Relations officer of the excessive false alarms. The Crime Prevention/Community Relations officer will make contact with the business owner/residential owner advising them of situation and work out a resolution to rectify the situation.

Officers investigating alarm activations that are determined to be false, shall report the false alarm on an Incident Report or via computerized data entry. The report shall contain the following information:

- Whether the Alarm is Business or Residential;
- Security or Fire Alarm;
- Name of Business/Residential;
- Exact Address of Business/Residence;
- Reason for Alarm Activation (if known); Weather, System Malfunction, Error by Owner/Employee or Unknown;
- Whether a Key Holder Responded;
- If the Perimeter was Checked for Security, What was Found.

### **81.2.13 First Aid Over Phone**

CDPSS personnel are authorized to provide first-aid instruction over the telephone or radio in compliance with their Medical Priority Dispatch Implementation Policy. All CDPSS personnel must maintain current Emergency Medical Dispatcher certification and utilize approved emergency medical guidelines and materials.

**DIRECTIVE 81.3  
COMMUNICATIONS FACILITIES AND EQUIPMENT**

<b>Issue Date: 05/22/2020</b>	<b>By Order of Chief of Police</b>
<b>Rescinds: (Issue 07/24/2009)</b>	<b>CALEA Standards</b>
<b>Pages: 2</b>	<b>Referenced: 81.3.1; 81.3.2; 81.3.3 &amp; 81.3.4</b>

**This directive consists of the following sections:**

- 81.3.1 Communication Center Security**
- 81.3.2 Alternate Power Source**
- 81.3.3 Mobile/Portable Radios**

**POLICY & PROCEDURE:**

The basic function of the Clermont County Department of Public Safety Services (CDPSS) is to satisfy the immediate information needs of the Miami Township Police Department in the course of its normal daily activities and during emergencies. The capability to maintain communications in all emergency situations dictates that security measures be implemented to protect communications personnel, facilities and equipment.

**81.3.1 Communication Center Security**

Security measures for the CDPSS are:

*Limit Access to Authorized Personnel*

Access to the CDPSS facility shall be limited to those persons who work in the facility and to other specifically authorized to enter the facility.

Miami Township Police personnel shall enter the facility as required in the performance of their duties or as requested by a CDPSS supervisor. Miami Township Police personnel shall obey all rules and regulations pertaining to visitors of the facility.

*Protect Equipment*

The CDPSS provides and maintains protective measures to provide security for equipment and personnel to include: Bullet resistant materials in areas of public access, video monitoring of the building and restricting access to authorized personnel.

### *Provide for Backup Resources*

THE CDPSS provides backup equipment, alternate repeater sites and power sources to guard against a total failure of the dispatching network due to a localized emergency or occurrence.

### *Provide Security for Transmission Lines, Antennas and Power Sources*

The CDPSS provides and maintains protective measures to provide security for transmission lines, antennas and power sources.

### **81.3.2 Alternate Power Source**

CDPSS maintains an alternate source of electrical power that is sufficient to ensure continued operation of emergency communication equipment in the event of the failure of the primary power source.

CDPSS will maintain at least a monthly inspection and test of the alternate power source and test or operate under full load at least once a year. Upon request CDPSS will provide written documentation of such inspections and tests to the Miami Township Police Department.

### *Telephone System*

It is the policy of the CDPSS to maintain separate phone systems for receiving emergency and non-emergency telephone calls.

The CDPSS maintains a telephone service to receive the administrative lines, to receive any telephone calls of administrative, business or personal nature.

The CDPSS will also maintain a separate telephone service for the Public Safety Answering Point to receive all emergency telephone calls, 911 and 7-digit lines, which are answered in the operations room and are taped on a 24-hour basis.

### **81.3.3 Mobile/Portable Radios**

Radio communications will be provided by department mobile and/or portable radio equipment that shall be capable of multi-channel, two-way operation on designated joint public safety frequencies.

**DIRECTIVE 82.1**  
**CENTRAL RECORDS ADMINISTRATION**

<b>Issue Date: 05/28/2020</b>	<b>By Order of Chief of Police</b>
<b>Rescinds: (Issue 03/04/2019)</b>	<b>CALEA Standards</b>
<b>Pages: 8</b>	<b>Referenced: 82.1.1; 82.1.2; 82.1.3; 82.1.4; 82.1.5 &amp; 82.1.6</b>

**This directive consists of the following sections:**

- 82.1.1 Privacy and Security**
- 82.1.2 Juvenile Records**
- 82.1.3 Records Retention Schedule**
- 82.1.4 Crime Reporting**
- 82.1.5 Report Accounting System**
- 82.1.6 Computer File Backup and Storage**

**POLICY AND PROCEDURE:**

The central police records function of the Miami Township Police Department is important to the effective delivery of law enforcement services. This directive addresses those records functions that are basic to meeting the management, operational and information needs of the department. It is the policy of the Miami Township Police Department to provide for the security and privacy of the department's records in accordance with legal mandates.

**82.1.1 Privacy and Security**

**Security and Controlling Access to Agency Files**

The Miami Township Police Department records section is staffed by Police Records Clerks who are supervised by a Lieutenant 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 Miami Township Police Department personnel shall have unsupervised access to the records section. Police volunteers may have access to the records section during regular business hours. The records section is secured at all entry points by key card access. No entry point to the records section shall be unlocked or unsecured at any time. Visitors to the records section must always be accompanied by a police department employee.

### *Accessibility to Operations Personnel after Hours*

All police department personnel have access to the records section and all records contained within the section 24/7 through issuance of a police department keycard. Additionally, all police personnel have access to agency records utilizing the in-house records management software. Should an exigent circumstance arise requiring agency records personnel after normal operating hours, the supervisory Lieutenant shall be contacted.

### *Procedures and Criteria for the Release of Agency Records*

The supervisory Lieutenant shall be responsible for the public information function as it relates to authorization and release of public records governed under Ohio Revised Code 149.43.

Records clerks receive advanced training in the Release of the Public Records and are the only authorized employees of the agency that may release records. Records personnel shall complete the Public Records Request Form RC100 in its entirety. While the requestor is not required to complete the form, the clerk releasing the record will complete and sign the form indicating the release to include the checklist provided for why records or portions of records were not provided for inspection or copying.

In instances where members of the Department are either actively involved in or have just concluded a police action, care should be exercised before releasing public records. Records personnel should consult with the supervisory Lieutenant or his/her designee if they have any questions as to what information is appropriate to be released concerning a police record.

Records personnel releasing police records shall redact victim, witness and suspect information as required by ORC 149.43. Redaction means obscuring or deleting information that is exempt from the duty to permit public inspection or copying from an item that otherwise meets the definition of a record in Section 149.011 ORC.

- Personal Identifiers - Personal identifiers means social security numbers, except for the last four digits; driver license numbers, financial account numbers, employer and employee identification numbers and a juvenile's name in an abuse, neglect, or dependency case, except for the juvenile's initials or a generic abbreviation such as 'CV' for Child Victim.
- Medical Records
- Information concerning cause of death shall not be released by members of this agency pending determination by the Coroner's Office, as provided in ORC 313.19.
- Suicide Note – The original suicide note shall be copied and forwarded to the Coroner's office with a copy of the Death Report. Suicide notes are to be handled cautiously as they may be processed for fingerprints, trace evidence and/or handwriting analysis. All original suicide notes will be logged into the MTPD

property room. Any copies of a suicide note are exempt from public record as provided in ORC 313.10. Any requests for copies should be referred to the Coroner's Office. The Coroner's Office may contact the department and request we forward a copy of the suicide note to a family member. Should this occur, it must be documented on a supplemental narrative to the death report.

- If fingerprints or photographic records of juveniles are taken in accordance with ORC 2151.313, they are not public record.
- LEADS/NCIC Records.
- Information on victims, witnesses or suspects as described in Confidential Law Enforcement Investigatory Records.
- Trial Preparation Records – Any record that contains information that is specifically compiled in reasonable anticipation of, or in defense of, a civil or criminal action or proceeding, including the independent thought processes and personal trial preparation of an attorney.

Miami Township Police Department personnel shall not release the following information unless authorized by the Chief of Police.

- Information concerning the prior criminal record, character or reputation of the accused.
- Mug shot of an accused person.
- Information regarding the existence of any confession, admission of guilt, or statement made by the accused or the failure or refusal by the accused to make a statement.
- Excluding OVI tests, results of any examinations or tests conducted or refusal by the accused to submit to these examinations or tests.
- Information concerning the identity, testimony, or credibility of any prospective witness, excluding if such information would not prejudice an investigation or place the witness in danger.
- Opinions regarding the guilt or innocence of the accused shall not be relayed in any manner.
- Opinions regarding the merits of the case or the quality of evidence gathered.

ORC 149.43 states the following records, concerning confidential agency investigations and operations are not public record and are exempt from release:

- Confidential Law Enforcement Investigatory Record – Any record that pertains to a law enforcement matter of a criminal, quasi-criminal, civil or administrative nature, but only to the extent that the release of the record would create a high probability of disclosure of any of the following:
  - The identity of a suspect who has not been charged with the offense to which the record pertains, or of an information source or witness to whom confidentiality has been reasonably promised.

- Information provided by an information source or witness to whom confidentiality has been reasonably promised, when information would reasonably tend to disclose the source's or witness's identity.
- Specific confidential investigatory techniques or procedures or specific investigatory work product.
- Information that would endanger the life or physical safety of law enforcement personnel, a crime victim, a witness or a confidential information source.

## **82.1.2 Juvenile Records**

### *Methods to Distinguish Juvenile Records*

These records are public and made available if requested. It would be a violation of ORC 149.43 if handled otherwise. Hard copies of public records involving juveniles are not kept separate from the rest of the public records but are tagged as such in the computer files.

### *Fingerprints, Photographs of Juveniles*

Juvenile fingerprints and photographs, if obtained, shall be in accordance with ORC 2151.313 & 109.60. If taken, these records will remain with the investigating officers' case file.

### *Security and Control of Juvenile Records*

Juvenile records are secured and controlled in the same manner as all other records.

### *Disposition of Juvenile Records upon Reaching Adult Age*

Juvenile records maintained by law enforcement agencies in the State of Ohio are treated no differently than adult records, including records identifying a juvenile suspect, victim or witness. Law enforcement agencies in Ohio are not typically permitted by law to redact information about juveniles from their records based simply on the juvenile's age or upon reaching adult age. Specific exemptions to this shall be in accordance with ORC 149.43 and ORC 2151.356. Miami Township Police Department shall maintain juvenile records in accordance with the Schedule of Records Retention and Disposition.

### *Court Ordered Expungements*

The Clermont County Juvenile Court may order an expungement or sealing of a record of a juvenile after conducting a hearing in accordance with ORC 2151.358. Upon receiving notification of an expungement or sealing of a record, the supervisory Lieutenant or their designee shall be responsible for removing all record of the person from hard copies of records held by the agency and removing the record from all computerized records of the department.

### **82.1.3 Records Retention Schedule**

In accordance with ORC 149.39, the Miami Township Police Department has established and maintains a schedule for retention and destruction of agency records. No records shall be destroyed, transferred or otherwise disposed of in violation of this schedule. The records covered by the schedule, upon expiration of the retention period, may be deemed of no continuing value to the department. No records shall be destroyed so long as in the opinion of the department, it pertains to any pending case, claim or action. The supervisory Lieutenant or their designee shall be responsible for the retention and destruction of agency records.

### **82.1.4 Crime Reporting**

Miami Township does participate in the submission of crime information to the Ohio Office of Criminal Justice Services through monthly OIBRS submissions. The Ohio Incident-Based Reporting System (OIBRS) is Ohio's version of the FBI's National Incident-Based Reporting System (NIBRS). OIBRS is a voluntary crime reporting program in which Ohio law enforcement agencies can submit crime statistics directly to the state and federal government in an automated format.

The information shall be derived from the department's records and submitted in accordance with the requirements of the OIBRS program.

Records personnel shall also complete a monthly Domestic Dispute/Domestic Violence Summary and submit the document to the Bureau of Criminal Identification and Investigation.

### **82.1.5 Report Accounting System**

Each incident of law enforcement service which creates a record shall be assigned a unique number upon entry in the in-house computerized records management software. This number is assigned by the software program and will not be repeated.

Personnel entering the record shall record this unique number on any attachments to the report, i.e. Commitment Forms, Handwritten Statements, etc. The report and all attachments shall be maintained in records.

The Investigations Supervisor shall be responsible for the case screening/management system. A copy of all criminal offense reports taken shall be given to the Investigations Supervisor. Upon receipt of an offense report, the Investigations Supervisor may assign the case for follow-up investigation.

Case investigators shall work from the copy assigned. Should the investigating officer generate additional paperwork versus software data entry, the officer will be responsible to maintain all additional documents pertaining to the case under investigation in the case file. Follow up reporting shall be in accordance with Directive 42.1.3.

When the case is closed or inactivated, the case file will be forwarded to the records section. Upon receipt of the case file, records personnel shall verify all hard copy attachments are scanned to the computerized record, numbered with the case number and that the case status is updated in the records management software.

### **82.1.6 Computer File Backup and Storage**

#### *Data Backup*

Miami Township's servers store all user and system data and are in a secure climate-controlled room in the Township Civic Center. Modified file backups are performed every hour with full backups being performed as needed.

#### *Storage*

A full backup is completed as needed to accommodate new servers/storage repositories or to consolidate backup chains. Copies of all backups are sent securely via internet connection to a secure, offsite facility.

#### *Access Security*

Invalid login attempts are audited and logged on all workstations and servers and checked on a regular basis, at least quarterly.

A multi-factor authentication system has been implemented that will require personnel to enter additional credentials when logging onto a new computer.

Webroot Secure Anywhere is used to protect all workstations, servers and email from virus and spyware infections and activity is alerted automatically.

The Township shared Internet connection is protected by a Cisco ASA firewall and all activity controlled and monitored using a hosted web filter.

All user accounts are created on the network servers (Domain Controllers) and there are no user accounts available on any local workstation for users to login to.

Patches for the core operating systems on all systems are reviewed and updated automatically.

#### *Password Audits*

All Township employees that have user accounts within the Township network are required to have a password that is a minimum of 7 characters and must contain three of the four following character sets: Capital letter, lower case letter, alphanumeric or symbol. Passwords are effective for 180 days, after which they must be changed. The last 12 passwords used are not eligible to be re-used.

If five attempts are made to access a user's account with the wrong password, the account is automatically locked and remains locked for 30 minutes.

User accounts are audited every six months for terminated employees or infrequently used accounts, which are suspended until authorization from the department is granted again. When an employee is terminated, the department head or designee is required to notify the network administrator of the departure so that their account can be suspended or deleted.

### *Computerized Security Protocol of Criminal History Records*

The Miami Township Police Department does not keep Criminal History Records. The department does keep original arrest reports and offense reports, both are public records regardless of the outcome of any trial and regardless of age of the defendant.

Conviction records are kept by the courts involved. Adult convictions are public records and juvenile convictions are controlled by the Juvenile Court. The Miami Township Police Department has no control over these records.

### LEADS

Computerized Criminal Histories (CCH) are controlled by LEADS and BCI&I. The Miami Township Police Department has entered into a Participation Agreement to gain access to these computerized files. A copy of the participation agreement is maintained by the department. A LEADS Administrative Rules Manual is located on the Miami Township police computer system in PowerDMS.

All LEADS security policies apply to agency owned LEADS equipment. All LEADS certified operators have access to terminals. Terminals are only used by members of the Miami Township Police Department with LEADS training and certification. Access to the LEADS system is controlled by user state issued identification number and password, which are set by LEADS. LEADS terminals are not capable of connecting to the Township network and/or the internet. Terminals will only be connected to the LEADS network.

LEADS printouts are exempt from public record and shall not be released except as required to Criminal Justice Agencies, i.e. Courts, Prosecutor. In the event a LEADS security violation occurs, resulting in disclosure of sensitive or classified information to unauthorized individuals, consideration will be given to the extent of loss or injury to the system, agency, or the person, and if the act was intentional or accidental. The Chief of Police will formulate a plan to take action regarding the employee following the disciplinary guidelines established in Directive 26.1.4. In cases where restricted LEADS-obtained Criminal Justice Information is improperly disseminated, the Data Security Officer at the LEADS Control Center will be notified.

Unauthorized modification or destruction of LEADS system data, loss of computer system processing, capability or loss by theft of any LEADS computer system media including: memory chips, optical or magnetic storage medium, hardcopy printout, etc. shall result in the employee being charged with theft as outlined in the Ohio Revised Code 2913.01 and termination of employment with the Miami Township Police Department.

### OHLEG

OHLEG (Ohio Law Enforcement Gateway) allows law enforcement personnel access to Computerized Criminal Histories. OHLEG is a secure web-based platform that increases and strengthens law enforcement efforts by promoting open communication and cooperation among the criminal justice community. Through a variety of electronic databases containing a vast array of information, OHLEG allows agencies to share data to prevent and solve crimes. OHLEG does access Computerized Criminal History files.

Law enforcement agencies are provided access under the terms and conditions of OHLEG policies. Participants are required to only use the network to carry out their law enforcement responsibilities, not for personal use or gain. The Chief of Police shall grant authority to employees within the Miami Township Police Department to access the network. Access to the OHLEG system is controlled by username and password, which are set by OHLEG. Improper use by those who are granted access to the Network may result in violation of public records laws, invasion of privacy, lost productivity, or may jeopardize the security of the network.

OHLEG printouts are exempt from public record. In the event an OHLEG security violation occurs, resulting in disclosure of sensitive or classified information to unauthorized individuals, consideration will be given to the extent of loss or injury to the system, agency, or the person, and if the act was intentional or accidental. The Chief of Police will formulate a plan to take action regarding the employee following the disciplinary guidelines established in Directive 26.1.4.

## DIRECTIVE 82.2 FIELD REPORTING AND MANAGEMENT

<b>Issue Date: 05/28/2020</b>	<b>By Order of Chief of Police</b>
<b>Rescinds: (Issue: 03/04/2019)</b>	<b>CALEA Standards</b>
<b>Pages: 5</b>	<b>Referenced: 82.2.1; 82.2.2; 82.2.3; 82.2.4 &amp; 82.2.5</b>

**This directive consists of the following sections:**

- 82.2.1 Field Reporting System**
- 82.2.2 Reporting Requirements**
- 82.2.3 Case Numbering System**
- 82.2.4 Report Distribution**
- 82.2.5 Reports by Phone, Mail or Internet**

### **POLICY AND PROCEDURE:**

The central police records function of the Miami Township Police Department is important to the effective delivery of law enforcement services. This directive addresses those records functions that are basic to meeting the management, operational and information needs of the department.

#### **82.2.1 Field Reporting System**

##### *Guidelines for when Reports Must Be Written*

Each incident dispatched or initiated in the field shall be documented with a report. The report may be in hard copy format or entered through the Mobile Data Computer (MDC) system utilizing the in-house records management software. In some instances, officers may choose to forgo a report if responding to an EMS or patrol request where citizen contact or officer involvement is not required. The incident will, however, be documented on officer's shift activity sheet.

##### *Forms to be Used in Field Reporting*

Field Reports and forms, when used versus computerized data entry may include:

- NIBRS (National Incident Based Reporting System) Offense/Incident Report
- NIBRS Supplemental Investigation Reports - Those forms necessary to accurately and/or completely document an incident or provide information as required by law or department procedure.
- Criminal Summons – Summonses shall be on State of Ohio summons forms.

- Death Reports
- Private Property Traffic Crash Reports – Private Property Crashes shall be taken on Private Property Crash forms.
- Traffic Citation Forms – Citations shall be on State of Ohio Uniform Traffic forms, warnings shall be on department issued warning forms.
- Reports Required by Other Criminal Justice Agencies i.e. Prosecutor, Detention Facility.

### *Information Required in Field Reports*

Reports shall be entered in the computerized software or completed on the applicable form. Only those forms authorized and or supplied for use by the department shall be utilized. All information that is applicable to the incident or offense shall be entered or written onto the appropriate form.

### *Procedures to be Followed in Completing Field Reports*

All reports and/or forms submitted will be complete and accurate.

NIBRS reporting shall be in compliance with the Ohio Uniform Incident Report Training Manual. The manual may be located at [www.oibrs.ohio.gov](http://www.oibrs.ohio.gov).

Reports are to be concise and include the facts and information necessary to clearly convey to a person reading the report, the circumstances of the incident reported. The information documented in a report shall be entered or written in chronological order. Additionally, the composition and arrangement of the reports shall be such that the report shall be easily understood.

### *Submitting, Processing and Supervisory Review of Field Reports*

All reports and/or forms should be completed prior to an officer going off-duty, unless permission has been granted to delay the completion of a report/form by the shift supervisor. In the event a delay is granted, the officer shall submit the incomplete report as is with the daily paperwork and then make a written request for return of the report for completion.

All reports/forms shall be reviewed by the shift supervisor, who shall indicate on the form his/her approval.

The officer submitting reports/forms for approval shall be responsible to correct any deficiencies found in the report by the supervisor. Should a report deficiency be found upon submission to the records clerks, the shift supervisor shall be responsible for correcting the deficiency.

After supervisory approval, any handwritten reports/forms shall be placed in the completed paperwork bin in the patrol room by the supervisor. At the end of shift, road

patrol supervisor shall deliver approved reports/forms to the Records Clerk office for processing.

Records personnel shall process all reports/forms pursuant to this directive and department procedure. Records personnel shall be responsible for the final validation and submission of NIBRS offense reports and Ohio Traffic Crash Reports. If an error is found, records personnel shall correct the error if possible. If additional information or clarification is required from the reporting officer for validation, a copy of the report shall be returned to the supervisor who approved the report with an explanation of additional information or clarification needed.

### **82.2.2 Reporting Requirements**

#### *Citizen Reports of Crimes*

Every incident of a citizen reporting a crime shall be documented and a report shall be generated. Actions taken by the reporting officer to investigate the crime or further action needed by our agency or an outside agency shall be explained to the citizen and shall be indicated on the report

#### *Citizen Complaints*

Every incident of a citizen reporting a complaint, whether criminal or not shall be documented and a report shall be generated. Actions taken by the reporting officer to investigate the complaint or further action needed by our agency or an outside agency shall be explained to the citizen and shall be indicated on the report.

#### *Incidents Dispatched or Assigned*

Every incident dispatched or assigned shall be documented and a report shall be generated. Actions taken by the reporting officer to investigate the complaint or further action needed by our agency or an outside agency shall be explained to the citizen and shall be indicated on the report. In some instances, officers may choose to forgo a report if responding to an EMS or patrol request where citizen contact or officer involvement is not required. The incident will, however, be documented on officer's shift activity sheet.

#### *Criminal and Noncriminal Cases Initiated by Personnel*

Every incident criminal and noncriminal initiated by personnel shall be documented and a report or form shall be generated. Actions taken by the reporting officer or further action needed by our agency or an outside agency shall be indicated on the report.

### *Incidents Involving Arrests, Citations or Summonses*

Every incident involving an arrest, issuance of a citation or summons shall be documented and a report or form documenting the event leading to the issuance of the arrest, citation or summons and the actions of the officer shall be recorded.

#### **82.2.3 Case Numbering System**

Each incident of law enforcement service which creates a record shall be assigned a unique number upon entry in the in-house computerized records management software. This number is assigned by the software program and will not be repeated. Entering personnel shall enter this unique number on all hard copy attachments to the record.

Officers who generate additional documents related to the incident shall be responsible to record the assigned number on the additional documents when such documents are submitted after the original report.

#### **82.2.4 Report Distribution**

After processing of submitted reports/forms, records personnel shall distribute originals or copies of reports or records as follows:

- Criminal Offense Reports submitted to the records section shall be scanned and distributed to the Investigations Supervisor for review and assignment, if needed. This includes all criminal offense reports submitted with a case status of 'closed' indicated.
- Incident Reports submitted to the records section with a case status of 'investigation pending' or 'follow up needed' shall be scanned and distributed to the Investigations Supervisor for review and assignment.
- Hit-skip traffic reports shall be copied and submitted to the Patrol Supervisor or designee.
- Court documents i.e. citations, summons shall be submitted to the appropriate court with a Personal Identifier Sheet. If a court document is issued with a court date of less than five days from the date of issuance, court copies shall be delivered directly to the appropriate court by the issuing officer before the end of his/her shift.
- Offense reports and any supplemental paperwork shall be submitted to the Prosecutor's Office.
- Traffic Crash Reports on an OH1 form are submitted to the Ohio Department of Public Safety electronically. Traffic Crash reports are also placed on the Miami Township website for public records access.

### **82.2.5 Reports by Phone, Mail or Internet**

Any officer or civilian employee may take a report over the telephone that meets the criteria listed within this section. Before taking a telephone report, both of the following questions should be answered with a 'no'.

- Did the offense just occur?
- Could anything be gained by sending a police officer to make a preliminary investigation?

The following types of reports may be taken by telephone without a response required by police:

- Gasoline drive off thefts where no license plate number was obtained. This may include incidents that just occurred.
- Criminal damage reports where no suspects are observed, and the criminal damage is part of a series of offenses already reported i.e. mailbox smashing spree.
- Property damage where a report needs to be made for insurance purposes.
- Lost property.
- Conditions affecting other departments in incidents where the Township could not be held liable and does not require immediate investigation and/or attention by a police officer i.e. dead animal, defaced street sign.

Civilian employees may take telephone and on station reports that involve the status of an incident or a misdemeanor offense not requiring immediate action or follow up.

Officers having personal contact with a citizen requiring a police report will not refer the citizen to make a telephone report.

Should an incident be reported via traditional mail or email, the employee receiving such report shall document the receipt and detail the circumstances being reported on a NIBRS report form. The employee shall contact the sender, if known, and request any additional information needed. The employee will advise the sender of actions taken by the reporting employee to investigate the complaint. If further action is needed by our agency or an outside agency that shall be explained to the sender and shall be indicated on the report.

## DIRECTIVE 82.3 RECORDS

<b>Issue Date: 05/28/2020</b>	<b>By Order of Chief of Police</b>
<b>Rescinds: (Issue 03/04/2019)</b>	<b>CALEA Standards</b>
<b>Pages: 3</b>	<b>Referenced: 82.3.1; 82.3.2; 82.3.3; 82.3.4; 82.3.5 &amp; 82.3.6</b>

**This directive consists of the following sections:**

- [\*\*82.3.1 Master Name Index\*\*](#)
- [\*\*82.3.2 Index File\*\*](#)
- [\*\*82.3.3 Traffic Records System\*\*](#)
- [\*\*82.3.4 Traffic Citation Maintenance\*\*](#)
- [\*\*82.3.5 Operational Component Record\*\*](#)
- [\*\*82.3.6 ID Number and Criminal History\*\*](#)

### **POLICY AND PROCEDURE:**

The central police records function of the Miami Township Police Department is important to the effective delivery of law enforcement services. This directive addresses those records functions that are basic to meeting the management, operational and information needs of the department. It is the policy of the Miami Township Police Department to provide for the security and privacy of the department's records in accordance with legal mandates.

#### **[82.3.1 Master Name Index](#)**

Miami Township Police Department maintains a computerized alphabetical master name index that includes the names of all persons identified in written reports and/or forms. This includes victims, witnesses, complainants, suspects, persons arrested, persons involved in traffic crashes and persons issued traffic citations.

The master name index serves as a cross-reference to all documents in which a person has been named.

#### **[82.3.2 Index File](#)**

Miami Township maintains computerized records relative to service calls and crimes by type; service calls and crimes by location; and stolen, found, recovered and evidentiary property files.

### **82.3.3 Traffic Records System**

The traffic records system provides accurate information to field personnel performing traffic duties and to members utilizing information to plan personnel deployment activities.

Miami Township maintains a traffic records system containing the following:

- Traffic Collision Data;
- Traffic Enforcement Data;
- Roadway Hazard Information.

### **82.3.4 Traffic Citation Maintenance**

#### *Issuing Citation Forms*

Records personnel shall issue traffic citation and warning forms. Citation forms shall be signed out via the Records Management Software program.

#### *Accounting for Citations*

All traffic citations and warnings issued shall be submitted with the daily paperwork and entered into the in-house records management software to include the citation number. When a citation or warning is requested to be voided, the Officer or Sergeant will type an email to the Police Clerks stating why they are requesting the citation or warning to be voided. The email shall be copied to their immediate supervisor. The citation/warning in question will be forwarded to records personnel who shall give the citation/warning to the Patrol Lieutenant for approval. Upon approval, records personnel shall write VOID across the citation, update the records management software program and file the voided form in a designated file in records.

#### *Storing Citations*

Blank traffic citation forms shall be stored in the records section which is secured at all entry points by key card access.

Upon issuance, the department copy of citations shall be filed in the records section and kept in accordance with the records retention schedule.

### **82.3.5 Operational Component Record**

All hard copy records submitted to the records section shall be maintained in the records section in designated files. These files and the data entered into the in-house records management software are readily available to all personnel in the agency 24/7.

These records shall be maintained in accordance with the Miami Township Schedule of Records Retention and Disposition.

The following records may be maintained by the specified agency operational component as indicated.

- Case investigators shall work from a copy of the original report. Should the investigating officer generate additional paperwork versus software data entry, the officer will be responsible to maintain all additional documents pertaining to the case under investigation in the case file. Upon completion of the investigation, the case file shall be submitted to records for update and filing.
- Grievance records shall be stored and maintained in accordance with Directive 22.4.2.
- Discipline records shall be stored in accordance with Directive 26.1.8.
- Employee selection and promotion records shall be maintained in accordance with Directives 31.4.6 and 34.1.3.
- Criminal Intelligence records shall be stored and maintained in accordance with Directive 40.2.3.
- Vice, Drugs and Organized Crime records shall be stored and maintained in accordance with Directive 43.1.1.
- Internal Investigations records shall be stored and maintained in accordance with Directive 26.2.2.
- Property Room forms shall be stored and maintained in accordance with Directive 84.1.5.

These records shall be maintained in accordance with the Miami Township Schedule of Records Retention and Disposition or as indicated in the specified directive.

#### **82.3.6 ID Number and Criminal History File**

Each person entered in the in-house computerized software program is assigned a unique number by the system that is not repeated. After the initial issuance of a number, that unique number shall remain the personal ID number for all future contacts.

Miami Township does not maintain criminal history files. Arrest information specific to Miami Township events are maintained via computer entry and maintained by the assigned personal identification number. The officer shall verify with the person arrested their current personal information. Any hard copy documents related to the arrest shall be submitted to the records section and shall be maintained in the records section in designated files.

**DIRECTIVE 83.1  
COLLECTION AND PRESERVATION OF EVIDENCE  
ADMINISTRATION**

<b>Issue Date: 05/28/2020</b>	<b>By Order of Chief of Police</b>
<b>Rescinds: (Issue: 06/03/2019) Page: 1</b>	<b>CALEA Standards Referenced: 83.1.1</b>

**This directive consists of the following sections:**

**[83.1.1 24-Hour Availability](#)**

**POLICY AND PROCEDURE:**

The Miami Township Police Department has a responsibility to provide professional, effective and efficient law enforcement services to the community. The delivery of effective and efficient service to the community requires that the department properly investigate crime scenes and traffic collision scenes, especially regarding the handling of physical evidence.

**[83.1.1 24-Hour Availability](#)**

It is the policy of the Miami Township Police Department to thoroughly investigate crime scenes and traffic collision scenes and to ensure that such duties are performed in an efficient manner on a 24-hour basis by qualified personnel.

It is the responsibility of the Investigations Supervisor to maintain a call out schedule of investigative personnel for the purpose of processing crime scenes.

It is the responsibility of the Patrol Division Supervisor to schedule traffic safety unit personnel for the purpose of providing for the processing of traffic collision scenes. Should a traffic safety unit member be unavailable, a district patrol car will respond to process the scene.

In the event of a traffic collision that involves a life-threatening injury or fatality, the shift supervisor may request Ohio State Patrol to handle the investigation and scene processing.

**DIRECTIVE 83.2**  
**COLLECTION AND PRESERVATION OF EVIDENCE**  
**OPERATIONS**

<b>Issue Date: 05/28/2020</b>	<b>By Order of Chief of Police</b>
<b>Rescinds: (Issue: 08/11/2015)</b>	<b>CALEA Standards</b>
<b>Pages: 15</b>	<b>Referenced: 83.2.1; 83.2.2; 83.2.3; 83.2.4; 83.2.5 &amp; 83.2.6</b>

**This directive consists of the following sections:**

- 83.2.1 Guidelines and Procedures**
- 83.2.2 Photography, Video and Audio Evidence**
- 83.2.3 Fingerprinting**
- 83.2.4 Equipment and Supplies**
- 83.2.5 Procedures, Seizure of Electronic Equipment**
- 83.2.6 Report Preparation**

**POLICY AND PROCEDURE:**

It is the policy of the Miami Township Police Department to thoroughly investigate crime and traffic collision scenes. Thorough investigations include the collection, processing, handling, preservation and documentation of physical evidence in an efficient manner.

**83.2.1 Guidelines and Procedures**

**First Responder Responsibilities and Precautions**

It is the responsibility of the first officer at the scene to secure that scene from all non-essential personnel. The scene must be secured as soon as possible to prevent contamination of the scene and/or loss of evidence. The officer securing the scene should initiate a crime scene entry log, listing the time, name and reason for all personnel who enter the crime scene. All personnel at the scene will not disturb, touch or handle physical evidence; unless a danger exists that the evidence will be lost or destroyed prior to it being processed. Should such a situation arise, it will be the responsibility of the officer securing such evidence to mark, seal, tag and preserve the evidence.

Officers responsible for processing a scene will be responsible for preparing a written report, photographing, crime scene sketch, collecting, packaging, preserving, transporting and submitting all evidence to a Department designated property storage area.

## Scene Sketches

Generally, the processor of the scene will make rough sketches with measurements, including sufficient additional information so a final drawing, to scale, can be made at a later time, if needed. These rough sketches are evidence and shall be kept by the case Detective. When crime scene sketches are drawn pursuant to the collection and preservation of evidence, they will contain the following information:

- Dimensions
- Relation of the crime scene to other buildings, geographical features or roads.
- Address, floor or room number as appropriate.
- Location of significant features of the scene, including the victim.
- Date and time of preparation.
- Name of person preparing the sketch.
- Direction of North
- Location of items of physical evidence recovered.

If evidence is transferred to another person prior to being logged in to the department designated property storage area, documenting the transfer is critical to maintaining the chain of custody. The record of transfer shall be indicated on the property submission form.

If a specialist is called to the scene, i.e. staff from BCI & I, accident reconstruction specialist, the date and time of the request and the requesting officer's name will be added to the report. All information obtained by the specialist will be documented and included with the report.

Should physical analysis be required of all or a part of the evidence obtained from a scene, the person who submitted such evidence shall be responsible for informing the assigned case Detective of that information and the type of analysis requested.

The procedures used for the collection and preservation of all evidence will be consistent with accepted practices for the collection of physical evidence.

If an officer responsible for processing a scene decides that no evidence can be collected and/or photographs taken at a scene, the offense report and/or supplement will outline the reasons.

### *Procedures for the Collection, Storage and Transportation of Evidence*

#### Collection of Blood and Other Bodily Fluids

Employees must use protective gear when handling biological evidence.

Biological Evidence is defined as the contents of a sexual assault kit, blood, semen, hair, saliva, tissue or any other biological material that was collected as part of a criminal investigation or delinquent child investigation that be exculpatory or incriminatory. This

includes evidence present separately (such as on a slide or a swab) or other evidence such as clothing, bedding or cigarettes.

Biological Evidence from certain criminal investigation must be retained for 30 years or longer. [ORC 2933.82]

ORC SECTION	OFFENSE	UNSOLVED	CONVICTED
2903.01	Aggravated Murder	Indefinitely	Until released from prison, parole, community control, registration requirements, etc. or until the person dies but no less than thirty years
2903.02	Murder	Indefinitely	
2903.03	Voluntary Manslaughter	30 Years	
2903.04	Involuntary Manslaughter	30 Years	
2903.06	Aggravated Vehicular Homicide (F1 or F2)	30 Years	
2903.06	Vehicular Homicide (F1 or F2)	30 Years	
2903.06	Vehicular Manslaughter (F1 or F2)	30 Years	
2923.02/2907.02	Attempted Rape	30 Years	
2907.02	Rape	30 Years	
2907.03	Sexual Battery	30 Years	
2907.05(A)(4) or (B)	Gross Sexual Imposition (Less than 13 yoa)	30 Years	

Blood, urine, semen and other body fluids will be collected at a scene only by personnel who have received training in the collection and preservation of such substances.

Specimens collected which require refrigeration will be maintained in the property room refrigerator.

Specimens collected will be marked, sealed and tagged as appropriate to identify and preserve them for analysis.

Fresh wet blood will be collected in an appropriate evidence container.

Wet blood-stained items must be allowed to dry before packaging. Only secure areas will be used to hang a blood-stained item for drying. Once the blood-stained item is dry it will be placed in an appropriate evidence container. All blood-stained items will be packaged in separate containers to avoid contamination.

When possible, dry blood-stained objects should be collected in their entirety. If this is not possible, the dried blood should be collected with moistened gauze fibers. Gauze fibers will be moistened with distilled water solution and the gauze pad will be used to swab the blood. Once the gauze has soaked up the blood, it will be allowed to dry. Once dry, the container will be properly marked, sealed and tagged and placed in the property room. Dry blood does not require refrigeration.

Fluids and stains other than blood can be collected by the same procedure as blood.

Body Tissues will be placed in an appropriate container, sealed, marked and refrigerated. Blood and urine specimens for OVI and drug screens will be packaged according to the procedures enclosed in the OVI kits. The kit will be marked, sealed and refrigerated.

Sexual Assault Kits shall be sealed and marked after hospital staff releases them to the Miami Township Police Department.

#### Other Items Collected as Evidence

Wet clothing and wet documents collected as evidence shall be air-dried. A temporary storage locker will be utilized if the clothing will fit in the locker and will allow for proper drying. Should this method not be suitable, a property room custodian shall be contacted and provide for secured storage of the item while they air dry. As soon as the evidence is dried it will be marked, packaged, tagged and submitted to the property system.

Firearms, dangerous drugs, currency and volatile fluids of evidentiary value will be submitted in accordance with property submission procedures outlined in Directive 84.1.

Stolen vehicles that are recovered will be towed to and placed in the Large Property Containment area. The recovering officer shall as soon as practical, have a Detective process the vehicle.

#### DNA Evidence Collection

A DNA (deoxyribonucleic acid) match is a major factor in solving cases where the identity of the offender is not known. The Miami Township Police Department has DNA evidence collection capabilities.

DNA and other biological evidence must be retained for crimes of aggravated murder, murder, voluntary manslaughter, first and second-degree involuntary manslaughter, first and second degree aggravated vehicular homicide, rape, attempted rape, sexual battery or underage gross sexual imposition.

In the case of aggravated murder or murder, biological evidence must be maintained for as long as the crime remains unsolved. In unsolved cases involving other offenses, biological evidence must be maintained for thirty (30) years from the time of collection.

If the accused is convicted of the crime but did not plead guilty, the evidence must be maintained for 30 years or until the expiration of the latest period of time (whichever comes first) that the accused is:

- Incarcerated;
- Under community control sanction;
- Under any order of disposition for the offense;
- On probation or parole for the offense;

- Under post-release control for the offense;
- Involved in civil litigation or subject to registration.

If the offender is still incarcerated after thirty (30) years, the evidence must be kept until the offender is released from incarceration or dies.

In short, the offender must have fully completed his/her sentence, including probation. The offender must not be subject to any registration requirements such as sex offender registration. There must be no pending civil litigation stemming from the offense. If all these criteria are met, the biological evidence may be disposed of. Otherwise the thirty (30) year wait applies.

A request to dispose biological evidence prior to the above-mentioned time frames may be made by certified mail to all the following:

- The offender;
- The attorney of record for the offender;
- The Ohio public defender;
- The county prosecutor;
- The Ohio Attorney General.

If no response is received after one (1) year the evidence may be disposed of. If any of those parties' request that the evidence be retained, the evidence must be maintained.

If the offender pleads guilty or no contest, biological evidence can be destroyed five (5) years after the plea and any appeals from the plea have been exhausted unless the offender requests retention and the court finds good cause to retain the evidence.

Evidence that is too large to retain (i.e. car, boat, etc.) for a long period of time may be disposed of. In those cases, the agency must remove and preserve portions of the evidence that are likely to contain biological evidence. The evidence must be maintained in a manner and amount sufficient to develop a DNA profile.

The agency is required to provide an inventory of the biological evidence it possesses in connection with a case if requested to do so in writing by the defendant.

Every officer should be aware of important issues involved in the identification, collection, transportation, and storage of DNA evidence. Because extremely small samples of DNA can be used as evidence, greater attention to contamination issues is necessary. Evidence can be contaminated when DNA from another source gets mixed with DNA relevant to the case. This can happen when someone sneezes or coughs over the evidence, or touches his/her mouth, nose or other part of the face, and then touches the area of the evidence containing the DNA.

Procedures for the Collection, Storage and Transportation of DNA Evidence

When transporting and storing DNA evidence, keep the evidence dry and at room temperature. Once the evidence has been secured in paper bags or paper envelopes, it must be sealed, labeled, and transported in a way that ensure proper identification of where it was found and proper chain of custody.

- Never place DNA evidence in plastic bags as moisture retained in the bags can be damaging to the DNA.
- Direct sunlight and hot conditions also may be harmful to DNA.

To avoid contamination of evidence that may contain DNA, always take the following precautions:

- Wear disposable latex gloves.
- Use disposable instruments or clean them thoroughly before or after handling each sample.
- Avoid touching the area of the evidence where DNA is believed to exist.
- Avoid talking, sneezing, scratching and coughing over evidence.
- Avoid touching your face, nose and mouth when collecting and packaging evidence.
- Air-dry evidence thoroughly before packaging (not in direct sunlight).
- Put evidence into new paper bags or paper envelopes. Do not use plastic bags or staples.

As with fingerprints, the effective use of DNA may require the collection and analysis of 'elimination samples'. These samples are necessary to determine whether the evidence came from the suspect or from someone else.

Only persons trained in the collection of DNA evidence shall do so. DNA evidence training is available through several outside courses. i.e. Crime Scene and Evidence Collection. Investigative personnel who have received training in DNA collection may train other personnel.

Once packaged and submitted to the property room, DNA evidence will be transported to an accredited laboratory for DNA analysis. The transfer shall be in accordance with Directive 83.3, Section 83.3.2.

#### [Evidence Collection Training Requirements for Persons Collecting Evidence](#)

Officers will utilize their knowledge from their Ohio Peace Officer Training Academy and experience to properly collect evidentiary items. Only persons trained in the collection of evidence shall do so. Evidence training is available through several outside courses. i.e. Crime Scene and Evidence Collection.

### *Procedures for the Submission of Evidence to Accredited Laboratories*

Once packaged and submitted to the property room, evidence will be transported to an accredited laboratory for analysis if requested/required. The transfer shall be in accordance with Directive 83.3, Section 83.3.2.

### *Transfer of Custody of Physical Evidence*

If evidence is transferred to another person prior to being logged in to the department designated property storage area, documenting the transfer is critical to maintaining the chain of custody. The record of transfer shall be indicated on the property submission form. If evidence is transferred to another person after being logged in to the department property room. The record of transfer shall be indicated on the property submission form.

### **83.2.2 Photography, Video and Audio Evidence**

Photographs and video tapes of crime scenes, serious traffic collisions and other incidents which may require the use of photographs or video tapes for recording the scene will be the responsibility of the investigating officer or officer assigned to process the scene.

Photographing of all aspects of the crime scene, traffic collision or incident will be required in the following instances.

- Homicide
- Rape, Abduction or Kidnapping
- Death Scene
- Investigation of Excessive Force
- Injuries to a Police Officer or Citizen During Arrest
- Fatal or Serious Injury Traffic Collisions
- Damage or Injury to Township Property
- Serious Property Damage Accidents in Excess of \$5,000.00 Damages
- Burglaries Where Loss May Exceed \$3,000.00
- Arson or Suspected Arson
- Discharge of a Firearm by a Police Officer in Relationship with Use of Force
- Aggravated or Felonious Assaults Involving a Weapon
- Any Crime Scene Upon Request of the Reporting of Investigating Officer

Photographing to Demonstrate Scale – When the exact size of an item being photographed is required, a scale will be placed next to the item to add dimension and aid in development for ‘to scale’ prints. A second photograph of the item will be taken without the scale, using the same camera settings, position and lighting in the event the court desires photographs of evidence in which nothing has been introduced into the field of view.

Recording Photography Information – The photography of any crime scene or traffic collision scene is the responsibility of the investigating officer or officer assigned to process the scene.

The officer photographing any crime scene or traffic collision scene utilizing digital photography shall download the digital photography to the Miami Township Police secure ‘G’ drive, year appropriate Records folder, to a file with the assigned CAD Number or Report Number. The officer shall submit an email to Records personnel advising them of the download, along with significant identifiers such as victim name, location, time of event, etc. to allow records personnel to place the photographs in a ‘G’ drive folder utilizing the event number. Records personnel shall also download the photographs into the Miami Township records management software Interbadge.

Digital Video Taping of a scene may be used as a supplement to but shall not replace still photography as visual documentation of a scene. Digital video of a crime or traffic collision scene that has evidentiary value shall be transferred to a digital medium (CR-R or DVD). The officer shall enter the digital medium as evidence into the department property room and document this piece of evidence on the NIBRS report as well as in the narrative.

The use of personally owned devices will not be used when photographing or recording evidence at a scene.

### **83.2.3 Fingerprinting**

#### **Latent Fingerprints**

Only officers trained to collect latent fingerprints will do so. The following guidelines will be followed when processing a crime scene for latent prints:

- Latent impressions developed with fingerprint powder should be photographed on the original object. After being photographed, they should be lifted.
- The process of lifting latent prints follows these guidelines (ref: FBI Publication “The Science of Fingerprints”):
  - Observe and identify the surface bearing the suspected latent. A flashlight held at an angle can enhance visualization.
  - If the surface is non-porous, oxide powder can be used.
  - Lightly dip the fiber brush into the powder and tap the excess off on the inside of the powder jar.
  - Lightly stroke the surface in the area of the suspected latent.
  - Once the print begins to visualize, continue to apply light strokes with a minimal use of powder until the print is fully enhanced.
  - Once the print is visual, select lifting tape and peel the necessary amount to cover the latent plus three inches.

- Place the tape over the latent from the outside edge and work inward, pressing the tape down uniformly over the entire area.
- Peel the tape up from one side and immediately place down on lifting card of contrasting color.

The lifted print is to be placed on a latent fingerprint card with the following information listed in the offense report/supplement:

- Place of Occurrence
- Complainant
- Complainant Address
- Type of Offense
- Date of Offense
- Name of Officer Making Lift
- Diagram, noting the location on the item that the lift was made from.

The officer shall enter the latent prints as evidence into the department property room and document this piece of evidence on the NIBRS report as well as in the narrative.

Should the officer have a potential suspect, the officer shall include the information in a supplemental/narrative report requesting a comparison of the latent lifts to prints of the known suspect. It shall be the responsibility of the person assigned to the case to have such comparison conducted, if prints are available for the suspect.

#### **83.2.4 Equipment and Supplies**

It is the policy of the Miami Township Police Department to thoroughly investigate crime scenes and traffic collision scenes and to ensure that such duties are performed in an efficient manner on a 24-hour basis by qualified personnel.

It is the responsibility of the Investigations Supervisor to maintain a call out schedule of investigative personnel for the purpose of processing crime scenes.

It is the responsibility of the Patrol Division Supervisor to have scheduled traffic safety unit personnel for the purpose of providing for the processing of traffic collision scenes. Should a traffic safety unit member be unavailable, a district patrol car will respond to process the scene.

Miami Township Police Department maintains in each marked patrol unit and Detectives vehicle, equipment for the collection of evidence. Each vehicle is equipped with equipment and supplies used for the processing of scenes for the following purposes:

- Recovery of Latent Fingerprints – Latent Fingerprint Kit
- Photography – Digital Camera/District Phone
- Sketch of the Scene – Forms and Diagramming Materials

- Collection and Preservation of Physical Evidence – Barrier Tape and Evidence Collection Materials

Miami Township Traffic Safety unit vehicles shall be equipped with additional items needed to conduct technical accident investigations, including:

- Measuring Wheels
- Spray Paint & Chalk
- Portable Breath Testing Equipment

Miami Township Police Department maintains more extensive crime scene processing equipment in the Crime Scene Response Trailer which may be utilized at scene investigations as needed. These items are maintained by the Investigations Division and shall be made available as needed.

### **83.2.5 Procedures, Seizure of Electronic Equipment**

Computers and digital media are increasingly involved in unlawful activities. The computer may be contraband, fruits of a crime, a tool of the offense or a storage container holding evidence of the offense.

It is not always a computer with the hard drive contained inside that will be the focus of a search. If you can store digital information to a device, it is potentially capable of holding evidence. Therefore, any item that can contain digital media must be handled and examined as a computer. The following is a definition of a computer system: all computers, central processing units, all data drivers, hard drives, floppy drives, optical drives, tape drives, digital audio tape drives, and/or any other internal or external storage devices such as magnetic tapes and/or disks. Any terminals and/or video display units and/or receiving devices and/or peripheral equipment such as, but not limited to printers, digital scanning equipment, automatic dialers, modems, acoustic couplers and/or direct line couplers, peripheral interface boards, and connecting cables and/or ribbons. Any computer software, programs and source documentation, computer logs, magnetic audio tapes, and recorders, digital audio discs and/or recorders, any memory devices such as but not limited to, memory modules, memory chips, bubble memory, and any other form of memory device utilized by the computer or its peripheral devices.

#### **When to Obtain a Warrant or Consent**

Guidelines outlined in the US Department of Justice Searching and Seizing Computers and Obtaining Electronic Evidence in Criminal Investigations suggest the following rules in determining when a warrant or consent is feasible. These are only guidelines based upon district and federal court rulings.

- To determine whether an individual has a reasonable expectation of privacy in information stored in a computer, it helps to treat the computer like a closed container such as a briefcase or file cabinet. The Fourth Amendment generally prohibits law enforcement from accessing and viewing information stored in a

computer without a warrant if it would be prohibited from opening a closed container and examining its contents in the same situation.

- Individuals may lose Fourth Amendment protection in their computer files if they lose control of the files.
- The Fourth Amendment does not apply to searches conducted by private parties who are not acting as agents of the government. Such as computer repair shops, friends or family who uses the computer and find illegal material on the computer.
- The permitted scope of consent searches depends on the facts of each case. Officers should be especially careful about relying on consent as the basis for a search of computer when they obtain consent for one reason but wish to conduct a search for another reason. Be specific about the need for consent if an off-site examination needs to be done advise the owner of the computer or electronic evidence the reason for the need of consent and the criminal investigation. Any investigations outside the scope of consent may be unconstitutional and may be challenged through appeal.
- Co-users of a computer will generally have the ability to consent to search of its files. However, when an individual protects his/her files with passwords, and has not shared the passwords with others who also use the computer, the authority of those other users to consent to search of the computer will not extend to the password protected files. Conversely, if the co-user has been given the password by the suspect, then he/she probably has the requisite common authority to consent to a search of the files.
- Absent an affirmative showing that the consenting spouse has no access to the property searched, the courts generally hold that either spouse may consent to search all the couple's property.
- In some computer crime cases, the perpetrators are relatively young and reside with their parents. When the perpetrator is a minor, parental consent to search the perpetrator's property and living space will almost always be valid. When officers would like to search an adult child's room or other private areas, however, officers cannot assume that the adult's parents have authority to consent. Although courts have offered divergent approaches, they have paid particular attention to three factors:
  - The suspects age
  - Whether the suspect pays rent; and
  - Whether the suspect has taken affirmative steps to deny his or her parents' access to the suspects room or private are.

When suspects are older, pay rent, and/or deny access to parents, courts have generally held that parents may not consent.

- When Detectives suspect that a network account contains relevant evidence, they may feel inclined to seek the system administrator's consent to search the contents of that account. As a practical matter, the primary barrier to searching a network account pursuant to a system administrator's consent is statutory, not constitutional. System administrators typically serve as agents of "provider(s) of electronic communication service" under the Electronic Communications Privacy

Act (“ECPA”), 18 U.S.C. §§2701-2712. ECPA regulates law enforcement efforts to obtain the consent of a system administrator to search an individual's ACCOUNT. See 18 U.S.C. § 2702-2703. Accordingly, any attempt to obtain a system administrator's consent to search an account must comply with ECPA. To the extent that ECPA authorizes system administrators to consent to searches, the resulting consent searches will, in most cases, comply with the Fourth Amendment. Most fundamentally, it may be that individuals retain no reasonable expectation of privacy in the remotely stored files and records that their network accounts contain. Check with the company or governmental agency policy to decide if all files stored on company network servers are private.

- When possible, it is best to obtain a search warrant over consent. If consent is obtained a search warrant should be obtained as soon as contraband is located on a computer or computer system.
- A municipal court search warrant is sufficient to seize computer systems from a residence.
- To view any computer system a search warrant from Common Pleas Court is required.

### Exigent Circumstances

Under the “exigent circumstances” exception to the warrant requirement, officers can search without a warrant if the circumstances “would cause a reasonable person to believe that entry...was necessary to prevent physical harm to the officer or other persons, the destruction of relevant evidence, the escape of the suspect, or some other consequence improperly frustrating legitimate law enforcement efforts. In determining whether exigent circumstances exist, members should consider:

- The degree of urgency involved.
- Whether the evidence is about to be removed or destroyed.
- The possibility of danger at the site.
- The ready destructibility of the contraband.

It is rare that exigent circumstances will apply in computer or cyber crime offenses. Because of the fact that it is rarely necessary to access a computer system to protect life or the destruction of evidence officers should not access computer systems without a warrant or consent unless a life is at risk by failing to do so. Officers must also be cognizant that they can not create the exigent circumstances. If an officer's presence at the scene requires the urgency, then exigent circumstances do not apply as relates to the destruction of evidence.

### Plain View

Evidence of a crime may be seized without a warrant under the plain view exception to the warrant requirement. To rely on this exception, the officer must be in a lawful position to observe and access the evidence, and its incriminating character must be immediately apparent. For example, if an officer conducts a valid search of a hard drive

and comes across evidence of an unrelated crime while conducting the search, the officer may seize the evidence under the plain view doctrine. The plain view doctrine does not authorize officers to open and view the contents of a computer file that they are not otherwise authorized to open and review.

#### Searches Incident to Lawful Arrest

Pursuant to a lawful arrest, officers may conduct a “full search” of the arrested person, and a more limited search of his surrounding area, without a warrant. Due to the increasing use of handheld and portable computers and other electronic storage devices, officers often encounter computers when conducting searches incident to lawful arrests. Suspects may be carrying pagers, cellular telephones, tablets, smart watches, Personal Digital assistants (such as Palm Pilots), or even laptop computers when they are arrested. Does the search-incident-to-arrest exception permit an officer to access the memory of an electronic storage device found on the arrestee’s person during a warrantless search incident to arrest? In the case of electronic pagers, the answer clearly is “yes”. Relying on *Robinson*, courts have uniformly permitted officers to access electronic pagers carried by the arrested person at the time of arrest. Courts have not yet addressed whether *Robinson* will permit warrantless searches of electronic storage devices that contain more information than pagers. The limit on this argument is that any search incident to an arrest must be reasonable. While a search of physical items found on the arrestee’s person may always be reasonable, more invasive searches in different circumstances may violate the Fourth Amendment (holding that *Robinson* does not permit strip searches incident to arrest because such searches are not reasonable in context). For example, the increasing storage capacity of handheld computers suggests that *Robinson*’s bright line rule may not always apply in the case of electronic searches. Because most cell phones have the capacity of a computer or computer system they need to be regarded as such. Although pagers fall under a search incident to arrest the information contained on those devices differs from information stored on cell phones. As a result, cell phones, digital media cards, or other devices capable of storing information as a computer are not an exception to a search warrant requirement. These devices fall under the same guidelines as a computer. If probable cause exists to seize these items, they may be taken but not viewed. To view these items specific consent of the owner or a Common Pleas Search Warrant is required to view any of this information.

#### Seizing Electronic Evidence

Upon establishing probable cause for a search warrant, obtaining consent or an exception to the warrant rule, members must use appropriate collection techniques provided through training or policy so as not to destroy, alter or compromise electronic evidence.

When a situation arises where the electronic evidence to be seized is too complicated to properly determine the best method of collection, RECI or a computer seizure expert shall be called on for their knowledge and training.

- Secure the scene; remove anyone on or near any computers, cameras or other electronic or digital evidence.

- Isolate Network devices connected to computers i.e. routers, modems, wireless access points. Disconnect power from the back of network devices.
- Photograph and document the scene to be seized. Include the monitor screen if it is on.
  - Do not press any key on the keyboard or move the mouse to wake the computer or to turn on the monitor screen.
- Do not turn computer on if it is off. When finding a computer that is on, remove the power cord from the back of the computer. If you are unable to unplug the power cord from the rear of the computer unplug the power cord from the wall.
- Photograph PC to show condition and all connections. Use numbering or color-coded labels to show what wire goes to which connection. Mark ports with an X that are not connected to anything.
- Upon securing PC in a safe area, search the rest of the area for other electronic or non-electronic evidence, i.e. notepads with passwords, email address list, cell phone bills, floppy disks, CD-R, DVD-R, USB flash drives, iPods, Digital Cameras or any other possible device that can store digital information and that is within the scope of the search warrant or consent.
- Before releasing the suspect or incarcerating them, do a thorough search for digital evidence.
  - Be aware of digital storage devices in or disguised as watches, key fobs, sunglasses, pens, bracelets, etc.
- When transporting digital evidence treat it as fragile cargo.
  - If possible, use the original boxes or containers to package evidence.
  - Transport evidence in the rear floorboard of police vehicles.
  - Keep away from radios or any other electromagnetic devices and any other hostile environments for electronic components.
  - Do not store computers in plastic bags or other media such as Styrofoam that can cause static electricity to accumulate. This can damage property and destroy evidence.

### Internet Investigations

When determining whether the electronic evidence needing to be seized is stored on an Internet Service Provider's or Internet Web Site's network, the investigating officer will send a letter by mail or fax on departmental letterhead to the Internet Service Provider to preserve the electronic evidence as soon as possible under 18 U.S.C. 2703(f) until a subpoena or warrant for the information can be obtained.

### Examinations

Forensic examinations of all electronic and digital evidence will be done by persons who are trained Computer Forensic Specialists. These persons will require a copy of the

search warrant or consent form upon transfer of the evidence. When possible, RECI will perform all forensic computer examinations.

### **83.2.6 Report Preparation**

An officer charged with processing a crime scene will prepare a supplemental report to the NIBRS report describing the sequence of events associated with a scene investigation. The report shall contain the following:

- Time of Notification;
- Date and Time of Arrival at the Scene;
- Narrative of the Officers Action at the Scene, to Include Evidence Collection Procedures Taken.

An officer charged with processing a traffic collision scene will complete all Traffic Collision Forms required by the State of Ohio.

**DIRECTIVE 83.3**  
**COLLECTION AND PRESERVATION OF EVIDENCE -**  
**EVIDENCE HANDLING**

<b>Issue Date: 05/28/2020</b>	<b>By Order of Chief of Police</b>
<b>Rescinds: (Issue 09/05/2019)</b> <b>Pages: 2</b>	<b>CALEA Standards</b> <b>Referenced: 83.3.1 &amp; 83.3.2</b>

**This directive consists of the following sections:**

**[83.3.1 Collection from Known Source](#)**

**[83.3.2 Evidence, Laboratory Submission](#)**

**POLICY AND PROCEDURE:**

It is the policy of the Miami Township Police Department to maintain a detailed chain of custody for evidentiary items. This includes properly documenting the transfer of custody of physical evidence while evidence is under the control of the Department. It is also the policy of the Miami Township Police Department to provide guidelines for submitting physical evidence to a forensic laboratory for examination purposes.

**[83.3.1 Collection from Known Source](#)**

Physical evidence collected at a crime scene or a traffic collision scene can best be evaluated when a known standard for comparison is obtained. This is true especially in the case of the study of blood, hairs, fibers, fabrics, paint, glass, wood, metal, soil, tool marks and footwear. Documentation as to where and when the samples were collected and the person collecting the samples is required. Known standards for comparisons will be collected, stored and sent to the laboratory just as any other evidence.

**[83.3.2 Evidence, Laboratory Submission](#)**

**[Identification of the Person Responsible for Submitting the Evidence](#)**

The officer submitting evidence which requires laboratory examination shall prepare a Lab Submission Form and place it in the property locker with the property. The property room custodians are responsible to ensure that all property requiring laboratory submission is taken to an appropriate accredited laboratory within required time limits and that all documentation required for the transfer is complete.

### *Methods for Packaging and Transmitting Evidence to the Laboratory*

Officers submitting property to the property room are responsible for packaging the evidence in an appropriate evidence container. The evidence will be entered into PMI Evidence Tracker as required by Directive 84.1.

The property room custodians are responsible for the transmitting of evidence to an accredited laboratory. They shall ensure that the property is properly packaged as to isolate and protect the property from deliberate tampering or accidental contamination.

- Liquids shall be packaged in such a way to ensure that no leakage will occur.
- Body fluids or parts shall be packaged to prevent exposure and will have no less than one Biohazard label affixed in a prominent place.

### *Types of Documentation to Accompany Evidence to the Laboratory*

Whenever property is transferred to a laboratory the transfer of such property shall be documented on the PMI Property Receipt Form and appropriate Lab Submission Form. The documentation will include at a minimum:

- Property Number;
- Date Out;
- To Whom it was Released and for what Reason.

### *Receipts to Ensure Maintenance of Chain of Evidence*

Whenever property is transferred to or from a laboratory the transfer of such property shall be documented in writing. Whenever property is transferred to a laboratory, the property custodian shall obtain an Evidence Submission Form/Receipt of Property form from the laboratory. Upon release of the property from the laboratory, the property room custodian shall obtain an evidence release receipt from the laboratory.

### *Stipulation that Laboratory Results be Submitted in Writing*

Property shall only be sent to an accredited laboratory that will provide a written copy of their findings and such copy shall be required. The officer receiving such document shall forward it to be filed in the case file.

**DIRECTIVE 84.1  
PROPERTY AND EVIDENCE CONTROL**

<b>Issue Date: 04/16/2020</b>	<b>By Order of Chief of Police</b>
<b>Rescinds: (Issue 10/06/2019)</b>	<b>CALEA Standards Referenced: 84.1.1; 84.1.2; 84.1.3; 84.1.4; 84.1.5; 84.1.6; 84.1.7 &amp; 84.1.8</b>
<b>Pages: 13</b>	

**This directive consists of the following sections:**

- 84.1.1 Evidence/Property Control System**
- 84.1.2 Storage and Security**
- 84.1.3 Temporary Security**
- 84.1.4 Security of Controlled Substances, Weapons for Training – N/A by Function**
- 84.1.5 Records, Status of Property**
- 84.1.6 Inspections and Reports**
- 84.1.7 Final Disposition**
- 84.1.8 Property Acquired Through the Civil Process**

**POLICY AND PROCEDURE:**

It is the policy of the Miami Township Police Department that the property and evidence function provide for security and control of seized, recovered, evidentiary and found property placed under the custody and control of the Department. The Department has established property and evidence control procedures that support investigative efforts, assist in the successful prosecution at criminal trials, facilitate the timely return of property to its rightful owner and protect the Department’s reputation as honest and worthy of the public’s confidence and trust.

**84.1.1 Evidence/Property Control System**

*Time Requirements for Logging Property & Evidence into Agency Records*

All property and evidence acquired by an officer shall be entered into the PMI Evidence Tracker program. The PMI entry will be completely and accurately filled out, listing each item of property and evidence being submitted. The PMI entry will be completed as soon as possible after an officer takes receipt of property/evidence. Officers shall, without exception, complete the PMI entry prior to ending their shift.

*Time Requirements for Logging Property & Evidence into Agency Control*

All property acquired by officers shall be packaged, labeled and submitted into a designated property storage area as soon as possible after its receipt. Officers shall, without exception, secure any property acquired in a designated property storage area prior to ending their shift.

Once property has been properly packaged, the officer will submit the property into a temporary storage area. Items will then be secured in a locker or in the case of large property, in the large property storage area.

Property that is too large for temporary storage may be submitted directly into the large property storage area by contacting a property officer who may access the large property area and accept such property.

#### *Written Report and Description of Property*

Any officer who submits a PMI entry shall complete a NIBRS report detailing how the officer came into possession of the property. Should the officer obtain the property in the course of an investigation and such property is directly related to the reported case being investigated, the officer need only submit a supplemental report as to how the officer came into possession of the property.

#### *Guidelines for Packaging and Labeling Property Prior to Storage*

No explosives, volatile fluids, dangerous chemicals, nuclear material or ammunition greater than .50 caliber will be submitted to the property room. Contact will be made, if deemed necessary, by the shift supervisor or investigating officer with Environmental Protection Agency, Explosive Ordnance Disposal Team or other specialized agency when such material is recovered. All such items are to be photographed and disposed of. Handling of such items will be accomplished by the specialized agency requested at the scene.

Each item or package, should multiple items be packaged together, must have a PMI entry. Items will when possible, be packaged together.

Items submitted will whenever possible be fully packaged so that no portion of an item protrudes from the packaging. Officers will when such package is appropriate utilize plastic see through bags to package items submitted to the property system.

Property will be suitably packaged to maintain the items integrity and to protect it, while in the custody of the department. All property that is to be submitted to the property room for transfer to the Hamilton County Coroners Lab for testing must be sealed with evidence tape or heat sealed. The officers' initials and date shall be written directly on the front and back of the tamper proof seal. Any other items submitted into the property system where a tamper proof seal or a heat seal is used or required shall also include the officers' initials and date written directly on the front and back of the tamper proof seal.

Items too large to be secured in a temporary property storage locker will be placed in the large property storage area by contacting a property officer.

Items that have an exposed sharp edge, knives, needles, etc. or pose a hazard when handling during the property submission process or storage shall be packaged so as not to allow the sharp/hazardous object to penetrate the outermost package.

Items, which pose a biohazard, shall be suitably marked with the appropriate biohazard label on the outer most packaging.

*Security Measures for Handling Exceptional, Valuable or Sensitive Property*

Currency

All currency submitted to the property room will be packaged in a see through tamper-proof protective packaging and sealed using a tamper proof seal or heat seal. Currency includes counterfeit money. On the PMI entry and package, indicate counterfeit money. The package will be entered separately. The PMI entry and package must identify the amount of currency with denominations, with the count verified and initialed by the submitting employee and a supervisor.

Currency submission example:

\$100 bills (20)  
\$50 bills (55)  
\$20 bills (10)  
\$10 bills (200)  
50 cents (150)  
25 cents (100)  
\$7050.00 Total

Currency not properly packaged will not be accepted into custody of the property room.

The property room custodian will not open sealed packages to verify the contents or amounts, only note that it has been properly packaged and submitted.

Currency submitted to the property room, once accepted, will be stored inside the property room, in a separately secured storage area.

Precious Metals or Gemstones

All precious metals or gemstones submitted to the property room will be packaged separately in a see through tamper-proof protective packaging and sealed using a tamper proof seal. The PMI entry must specify each of the precious metals or gemstones.

Precious metals or gemstones not properly packaged will not be accepted into custody of the property room.

The property room custodian will not open sealed packages to verify the contents, only note that it has been properly packaged and submitted.

Precious metals or gemstones submitted to the property room, once accepted, will be stored inside the property room, in a separately secured storage area.

## Drug Substances

All drug substances submitted to the property room will be weighed and the weight placed on the package and in the PMI entry. Drugs will be packaged in tamper-proof protective packaging and sealed using a tamper proof seal or heat seal. Loose drug substances should be placed into a suitable container prior to being sealed into the evidence bag.

Prescribed medications with packaging that is seized or obtained in criminal cases shall be counted prior to their submission and the total count will be placed on both the PMI entry and package. These items shall be packaged in see-through packages.

Prescription medications with packaging seized during the investigation of a deceased person that is a non-criminal investigation will require all prescribed medications with packaging to be sealed, packaged in a see-through container and weighed prior to entering the property room. The packaging, sealing and weighing shall be in the presence of a supervisor. The weight shall be placed on the package and the supervisor and the officer shall both sign the evidence tape seal or heat seal of the package and note on the PMI entry 'miscellaneous pills', the weight of the package and "To be Destroyed."

The department maintains a locked Prescription Drug Drop Box inside the lobby area of the police building. The drop box is secured tightly to the floor or wall, or both. Individuals may dispose of unwanted, expired, unused prescription drugs and over-the-counter medications in the secure, mailbox-style drop box. The disposal of syringes, liquids, inhalers, lotions and ointments are prohibited.

Only employees assigned to the property room have access to the contents deposited in the drop box. Keys to the drop box are secured in the property room. A property room employee shall check and empty the dropped items from the drop box bi-monthly for submission into the property room. The contents shall be packaged in a see-through container and weighed (weight marked on package). The property room custodian(s) and/or another employee shall sign the evidence tape seal or heat seal of the package and note on the property log 'miscellaneous pills' the weight of the package and "To be Destroyed." The property room custodian shall complete an incident report, PMI entry and email to appropriate parties.

All drug substances once they have been sealed in their final packaging will be weighed on the electronic scale in the property room. This gross weight will be noted on the package and the PMI entry. Weights shall only be used as a department property control and not as an exact weight for the purpose of evidence.

Officers will attempt to identify unknown drug substances in criminal cases by use of a Physician Desk Reference or by contacting the Poison Control Center.

Drug substances not properly packaged will not be accepted into custody of the property room.

The property officer will not open sealed packages to verify the contents only note that it has been properly packaged and submitted.

Drug substances submitted to the property room, once accepted, will be stored inside the property room, in a separately secured storage area.

### Syringes (No Evidentiary Value)

If an officer is dispatched to a call for service in reference to a found syringe and it is determined by the officer that the syringe has no evidentiary value, the officer shall:

- Place the syringe in a Sharps container that is in the submission room of the property containment area.
- Include in their incident report that the syringe(s) were placed in the Sharps container for destruction.

Once the Sharps container has reached capacity, a property room custodian will deliver it to the Central Fire Station. Fire/EMS personnel will transport the container to Bethesda North Hospital for destruction.

### Vaping Devices

Vaping devices submitted to the property system must have the batteries and power sources associated with electronic devices removed prior to submission. Vaping devices, particularly the batteries, have the potential to catch fire or explode.

### Weapons

All weapons submitted to the property room will be made safe by the officer submitting such weapon. Under no circumstances will a charged weapon be submitted into the property system.

Each weapon submitted to the property room shall have a separate PMI entry.

The serial number of each weapon will be checked for stolen by the submitting officer. The officer shall note on the weapon box and PMI entry, their findings as to the stolen status of the weapon.

Weapons not properly submitted will not be accepted into custody of the property room.

Weapons submitted to the property room, once accepted, will be stored inside the property room, in a separately secured storage area.

### Perishable Property

Perishable property will be suitably packaged to maintain the items integrity and to protect it, while in the custody of the department.

Perishable property not properly packaged will not be accepted into custody of the property room.

Perishable property will be secured in a lock box in the refrigerator in the temporary property storage area. The lock box key will be secured in a temporary holding locker. Should the perishable property not fit into the lock box or no lock box is available, the submitting officer shall contact a property officer, who will respond and secure the property in the refrigerated storage in the property room.

#### *Effort to Identify and Notify Owner of Property*

A reasonable attempt should be made to identify and notify owners of found, evidentiary and recovered property in the custody of the agency.

Found Property – Any officer who receives found property shall, prior to submission of such property, attempt to ascertain the owner of and make return of such property. If the owner is located, the return of found property shall be documented on the Incident Report. Should the property not be returned to the owner prior to the end of the officers' shift, the officer shall be required to submit the property to the property room.

Evidentiary & Recovered Property – Any officer submitting evidentiary or recovered property whose owner's is unidentified, shall attempt to ascertain the owner of and make return of such property after any legal requirements have been met.

If ownership of found, evidentiary or recovered property cannot be ascertained, the property shall be classified as unclaimed and final disposition of this property shall be pursuant to this directive.

#### *Procedures for the Temporary and Final Release of Property*

##### Temporary Release of Property

When an officer requires property for court or analytical purposes, the officer shall forward an email request to police property room requesting such release. Officers should attempt to make notification for the temporary release of property at least two business days before the property is needed. Property which is being released to an officer may be:

- Released directly to the officer.
- May be placed in a locker and secured with the officers' assigned lock. The officer shall be required to sign out the property on the PMI Property Receipt form which shall be with the property. The officer shall be responsible for all necessary chain of custody signatures while the property is under their control.

When the analysis of property is to be conducted by an outside laboratory, the case investigator will be responsible to have the proper submissions forms completed. The property room custodian or designee will transport the submission to the outside laboratory. A proper chain of custody will be maintained for all property released for analysis either within or outside the department.

Whenever an item of property is temporarily removed from the property room, an entry in PMI will be made. The property log will contain the following:

- Property Number
- Date Out
- To Whom it was Released and for what Reason

To return property to the property system the officer shall:

- Return the property directly to a property officer.
- Return the property to a temporary locker from which he removed such property and sign the PMI Property Receipt form indicating return of the property. The property and the PMI Property Receipt form shall then be secured with a property room lock.

### Final Release of Property

Final release of property should be accomplished as expeditiously as possible. The disposition of all property in police department custody shall be listed in PMI.

Evidentiary property may be released to the rightful owner once all police use of the property is satisfied and the officer who submitted the property has approved the property for release.

It shall be the responsibility of each officer upon completion of a case to plan for the return of property. Under no circumstances will an officer tell an owner to contact a property room custodian about the release of their property, without first obtaining permission to do so from the officer in charge of the property system.

Property taken for evidentiary purposes shall be returned within 30 days if such property is not required for the prosecution of the case unless otherwise restricted by law.

Property being held for prosecution of a case may be photographed and returned to the owner whenever possible. It shall be the responsibility of the investigating officer to contact the prosecutor handling the case and request to photograph and return the property.

Once an item has been cleared for release, it shall be the responsibility of the officer who submitted the property to return the property to the owner. If unable to make contact by phone, the officer will complete a property return card, to be sent to the last known address of the owner, informing the owner how to obtain the property. The property room custodian will send the property return card to the owner and maintain a copy of the property return card.

If the owner cannot be located or fails to claim the property after a period of thirty days, the property will be considered unclaimed.

In every case, the officer will make all reasonable efforts to verify the rightful ownership to property and the identity of the person to whom the property is being released.

If the property being released was found property, the officer may release the property to the rightful owner after confirmation of their ownership.

The person to whom the property is being released will sign for the property acknowledging receipt of the property. A copy of their ID will be placed with the form.

The following apply to the final release of weapons and firearms:

- Firearms must be checked through NCIC for stolen prior to release.
- If the weapon is a firearm, the owner must be checked through NCIS. If any state or federal firearm prohibitions exist, the firearm cannot be released to the owner. The owner will be notified that he/she is under state or federal prohibition and the weapon cannot be released to them.
- Weapons held for safekeeping will be retained for a period of thirty days. After a period of thirty days, the officer seizing such property will notify the rightful owner that the weapon may be claimed. The officer will be responsible to plan for the return. If unable to locate the owner, the officer who seized such property will complete a property return card to be sent to the last known address of the owner outlining how the weapon may be claimed. The property room custodian will send the property return card to the owner and maintain a copy of the property return card.
- If firearms are included in the valuable personal effects of a deceased person who met death in the manner described by section 313.12 of the Ohio Revised Code, the coroner shall deliver the firearms to the Chief of Police of the municipal corporation within which the body is found, or to the Sheriff of the County if the body is not found within a municipal corporation. The firearms shall be used for law enforcement purposes only or they shall be destroyed. [Ohio Revised Code 313.141]

### [Procedures for Internal Control](#)

The property room employee receiving custody of evidence/property shall log it into the PMI Evidence Tracker program. A property number shall be assigned by the property room employee for each package. The property room employee will verify the proper information has been recorded into the PMI Evidence Tracker program. Once verified, the property number and a location where the evidence/property will be stored will also be assigned in the PMI Evidence Tracker program. All information will be printed on a sticker and attached to the piece of evidence/property.

Any changes in the location of evidence/property shall be updated and recorded in the PMI Evidence Tracker program.

### [84.1.2 Storage and Security](#)

#### Designated Areas

Miami Township Police Department maintains for the secure storage of property and evidence in the property room. The area is properly equipped, maintained and provides the necessary security for the storage of in-custody or evidentiary property.

### Access & Security to Property Storage Areas

The officer in charge of the property system will be responsible for the department's in-custody and evidentiary property control function. This responsibility includes the securing of property within the property room.

The officer in charge of the property system will be responsible for maintaining secured storage within the property room for exceptional, valuable, or sensitive items or property (i.e. drugs, weapons, money and jewelry). The secured storage within the property room will be unlocked and open only when a property custodian is placing items in or taking items out of secured storage.

The designation of 'officer in charge' or 'property room custodian/employee' does not necessitate the personnel assigned to these positions be a sworn police officer and may be civilian personnel.

The doors to property rooms and temporary property storage rooms will be kept closed and locked anytime authorized personnel are not physically present in the room.

The property room is protected by an alarm. This alarm will be activated when personnel are not present or utilizing the facility. It is the responsibility of the officer utilizing the area to ensure that the alarm has been activated upon leaving.

No persons other than the officer in charge of the property system and the employees so designated by the Chief of Police as a property room custodian shall have access to the department's property rooms.

No employee or other person shall be admitted into a property room unless being accompanied by a person authorized to have access to the property room. The property officer will log the admittance of any person who they allow into a property room indicating the persons' name, time in, time out, and the reason for that person to enter the property room.

#### 84.1.3 Temporary Security

Miami Township Police Department maintains temporary property storage areas. These secure areas are where in-custody or evidentiary property may be held until such time the property is logged into the property room. These areas are properly equipped, maintained and provides the necessary security for the temporary storage of in-custody or evidentiary property.

Only Miami Township Police Department employees shall have access to the temporary property storage area. Under no circumstances will unaccompanied non-police personnel be allowed access to the temporary property storage area.

Once property has been properly packaged, the officer will submit the property into a temporary property storage locker. Items will then be secured in a locker or in the case of large property, in the large property temporary storage area. Property that is too large for temporary storage may be submitted directly into a property storage area by contacting a property room custodian who may accept such property directly into a property storage area.

#### **84.1.4 Security of Controlled Substances, Weapons for Training – N/A by Function**

Miami Township Police Department does not participate in Security of Controlled Substances, Weapons for Training.

#### **84.1.5 Records, Status of Property**

The officer in charge of the property system shall be responsible to maintain a records system that reflects the status of all property being held by the Miami Township Police Department. To include at a minimum: the locations of property stored in the property room, date and time when the property was received or released, description and chain of custody of the property through its final disposition. A file shall be maintained to reflect the dates and results of all inspections and inventories of property and audit of records.

All found, recovered and evidentiary property submitted to the property room will, upon being accepted, be logged into PMI.

#### **84.1.6 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.

##### ***Semi-Annual Inspection***

No less than semi-annually, the officer in charge of the property system shall be responsible to have an inspection conducted to determine adherence to procedures outlined in this directive for the control of property and evidence. The officer in charge of the property and evidence system or another person designated by the Chief of Police will complete a Property Room Inspection Report form. All such reports will be maintained by the officer in charge of the property system.

##### ***Property & Evidence Custodian Change Audit***

Whenever personnel are assigned to or transferred from the position of officer in charge or property room custodian, an audit of property and evidence in compliance with CALEA Appendix I\* will be conducted. The audit shall be conducted jointly by the newly designated property and evidence officer in charge or property room custodian and a designee of the Chief of Police to ensure that records are correct and properly annotated. Any discrepancies shall be recorded prior to the assumption of property accountability by the newly appointed officer in charge or property room custodian and a written report will be forwarded to the Chief of Police.

##### **CALEA Appendix I\* - Sample Size Table Evidence Custodian Change Audit**

The below table has been developed as a tool for use by agencies when determining the appropriate sample size for conducting audits of high-risk property as required by Standard 84.1.6 – Custodian Change Audit. This table only applies to high risk property and only for those circumstances when

there is a change in evidence custodian. The sample sizes in this table have been calculated based on a 95 percent confidence level and confidence interval of +/- 3 percent.

When using this table, agencies should determine the total amount of high-risk property they currently possess and find that number under “Pieces of High-Risk Evidence/Property”. The corresponding “Required Sample Size” should be applied when conducting the respective audit. If the exact number for “Pieces of High-Risk Evidence/Property” is not listed, the next higher number should be used.

If an error rate of more than 4 percent is discovered when conducting the audit. A complete inventory of the high-risk property must be performed. However, agencies should consider a complete inventory when other factors suggest it is necessary.

Pieces of High-Risk Property/Evidence	Required Sample Size
100	92
250	203
500	341
1000	516
1500	624
2000	696
2500	748
3000	787
3500	818
4000	843
4500	863
5000	880
5500	894
6000	906
6500	917
7000	926
7500	934
8000	942
8500	948
9000	959
10000	964
15000	996
20000	1013
25000	1023
50000	1045
100000	1056

### Annual Property & Evidence Audit

The Chief of Police shall order an annual audit of property and evidence in compliance with CALEA Appendix K\* to be conducted by a supervisor not routinely or directly connected with control of property and evidence.

#### CALEA Appendix K\* - Sample Size Determination for Annual Property & Evidence Audits

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, unless the total number of items in custody is small. Agencies should draw a representative sample of property and evidence that is sufficiently large to establish confidence that proper procedures and systems are being followed. Minimum sample sizes should be as follows:

- 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, then a sample of 100 items should be selected for the annual 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.

The audit shall include an inspection of the property logs ensuring that property received has been properly logged. The inspection shall ensure that property has not been misplaced, checked out for an unreasonable length of time and is properly secured. The examination of disposition files and property logs will be conducted to ensure that all property has been properly disposed of.

Upon conclusion of the audit, the inspector will prepare a written report of the findings of the audit and will forward the report to the Chief of Police.

### Unannounced Inspections

The Chief of Police shall direct an unannounced inspection of property and evidence storage areas to be conducted at least once each year. The scope and depth of such inspection shall be determined by the Chief of Police but will include a random comparison of records with physical property present in the property storage areas.

#### 84.1.7 Final Disposition

The officer in charge of the property system shall be responsible no less than quarterly to prepare and distribute to each officer a copy of the active evidentiary property that the officer has logged into the property system. It is the responsibility of each officer, within ten days of receipt of the list, to return the list with an updated status of the property. Should the officer fail to return the list with an updated status for the property, the officer in charge of the property system shall forward a memo to the officer's immediate supervisor for action. Additionally, officers shall:

- It shall be the responsibility of each officer to make written notification to the property officer when property which is contraband, is no longer needed for prosecution of a case and should be destroyed.
- It shall be the responsibility of each officer to make written notification to the property officer when property which has been seized and such property has been ordered to the custody of this department. It is the responsibility of the officer to forward to the property officer the documentation from the authority authorizing such order.

Final disposition of unclaimed, seized, forfeited and contraband property will be accomplished within six months after legal requirements have been satisfied. Disposition/destruction will be in accordance with the provisions of the Ohio Revised Code 2981.12.

- The property room custodian will determine what items are to be eliminated from our custody and prepare a list of items to be disposed of. Items may be disposed of in one of the following ways:
  - Destroyed
  - Awarded to the Township for Township Use or Disposal
  - Auctioned or Disposed of by the Township
- When property is disposed of by auction there shall be kept a detailed financial record of the amounts and dispositions of proceeds raised.
- The officer in charge of the property system will be responsible to forward a list of items to be eliminated from our custody to the Chief of Police for review. The Chief of Police shall submit a request for property disposal to the Township Law Director. The Law Director shall submit a petition to the court to dispose of property.
- After receiving an entry granting the disposal of property and upon completion of disposal, the property room custodian shall complete an affidavit indicating the court order has been executed.

#### **84.1.8 Property Acquired Through Civil Process**

All property acquired through asset forfeiture proceedings will not be returned to the owner or finder and is accounted for in Miami Township Police Department records and disposed of by the agency in accordance with ORC 2981.12.

Property seized by utilizing civil asset forfeiture will be seized in accordance with federal forfeiture law and procedures. The federal forfeiture law and procedures is seized under the 1984 federal crime control act and is in accordance with appropriate 18 U.S.C codes. When an officer seizes property under the federal asset forfeiture program, that officer shall notify the F.B.I. asset forfeiture division for direction and assistance in the seizure. In addition to notification, the seizing officers will fill out the property paperwork including the federal DAG-71 form, the federal request for adoption of state or local seizure form, the federal record of seized property form, and the federal equitable sharing agreement form. All federal asset seizures must be approved by the Chief of Police or his designee prior to the seizure taking place. The seizing officer must also comply

with all other federal, state, and local regulations involving the adoption of the federal asset forfeiture program.

Seized property under the federal asset forfeiture program will be either held by the U.S. Marshall Service or by the Miami Township Police Department, utilizing the Miami Township Police Department's property system, if approval is given by the U.S. Marshall Service. When an officer utilizes the federal asset forfeiture program the officer must document all pertinent information involving the forfeiture including a summary of the facts and a copy of the federal paperwork with the case file.