

Blue Ash Police Department

Blue Ash PD Policy Manual

CHIEF'S PREFACE

The Blue Ash Police Department abides by a policy manual that is current and that is constantly evolving. This policy manual provides our officers with the framework and expectations that assist us in the performance of our daily duties as we strive to provide excellent public service. With guidance from Lexipol, we have established a policy manual that contains nationally accepted police practices and principles.

The courageous men and women of the Blue Ash Police Department are held to the highest standards and the expectation is that all officers will perform their duties in the most professional, legal, moral, and ethical manner possible. We also acknowledge that no policy manual can cover every situation and we understand law enforcement is a dynamic and often times, a rapidly evolving profession that is difficult if not impossible to anticipate all circumstances that may occur. The expectation is that our officers will utilize sound judgment, training, and resourcefulness as they apply these policies. Deviation from this policy manual may be accepted under certain circumstances. Using problem solving skills, creativity, and sound judgment, all actions taken by our employees should be reasonable and reflect the mission statement of our department.

The expectation is that every member of the Blue Ash Police Department reads, understands, and accepts the standards that this manual provides. It is the responsibility of all members of the police department to provide insight and feedback as we constantly review our policies in order to stay current with changing standards that include but are not limited to legal updates, police best practices, and changes in community standards.

The Blue Ash Police Department takes pride in being a leader in the law enforcement community. Through personal and professional development we strive to constantly improve our performance. We will continue to provide exceptional service to our community. We value our community partners and look forward to working together to make Blue Ash a model for others to follow.

Scott D. Noel

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LAW ENFORCEMENT CODE OF ETHICS

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

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

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

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

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

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

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MISSION STATEMENT



BLUE ASH POLICE DEPARTMENT MISSION STATEMENT

With courage, integrity, and compassion we serve,
safeguard and educate our community by providing superior
services that sustain a safe environment and high quality of life.

BLUE ASH POLICE DEPARTMENT GUIDING VALUES

COURAGE – INTEGRITY – COMPASSION



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Chapter 1 - Law Enforcement Role and Authority

Law Enforcement Authority

100.1 PURPOSE AND SCOPE

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

100.2 PEACE OFFICER AUTHORITY

Sworn members of this department are authorized to exercise peace officer powers pursuant to applicable state law.

100.2.1 ARREST AUTHORITY WITHIN THE JURISDICTION OF THE BLUE ASH POLICE DEPARTMENT

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

100.2.2 ARREST AUTHORITY OUTSIDE THE JURISDICTION OF THE BLUE ASH POLICE DEPARTMENT

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

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

100.3 INTERSTATE PEACE OFFICER POWERS

Peace officer powers may be extended within adjoining states:

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

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

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Law Enforcement Authority

100.4 CONSTITUTIONAL REQUIREMENTS

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

100.5 POLICY

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

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

Chief Executive Officer

101.1 PURPOSE AND SCOPE

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

101.2 POLICY

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

101.3 CHIEF OF POLICE REQUIREMENTS

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

101.4 SHERIFF CANDIDATE REQUIREMENTS

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

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

Oath of Office

102.1 PURPOSE AND SCOPE

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

102.2 POLICY

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

102.3 OATH OF OFFICE

All officers, management employees, and employees of the Safety Department of the City shall, before or upon entering his/her duties, take and subscribe to the following oath to be filed and kept in the office of the Clerk of Council:

"I solemnly affirm that I will support the constitutions of the United States and of the State of Ohio and the Charter and ordinances of the City of Blue Ash and will faithfully, honestly and impartially discharge the duties of _____ upon which I am about to enter (or have entered)" (Section 20.01 Oath of Office - City Charter).

Policy Manual

103.1 PURPOSE AND SCOPE

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

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

103.2 POLICY

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

103.2.1 DISCLAIMER

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

103.3 AUTHORITY

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

103.4 DEFINITIONS

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

Adult - Any person 18 years of age or older.

BCI - Bureau of Criminal Investigation.

BMV - The Ohio Bureau of Motor Vehicles.

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

City - The City of Blue Ash.

Non-sworn - Employees and volunteers who are not sworn peace officers.

Department/BAPD - The Blue Ash Police Department.

DPS - The Ohio Department of Public Safety.

Employee - Any person employed by the Department.

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

Manual - The Blue Ash Police Department Policy Manual.

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

Member - Any person employed or appointed by the Blue Ash Police Department, including:

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

Officer - Those employees, regardless of rank, who are sworn employees of the Blue Ash Police Department.

OCLEAC - Ohio Collaborative Law Enforcement Agency Certification

On-duty - A member's status during the period when the member is actually engaged in the performance of the member's assigned duties.

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

OPOTC - The Ohio Peace Officer Training Commission.

OSHP - Ohio State Highway Patrol.

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

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

Shall or will - Indicates a mandatory action.

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

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

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

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

USC - United States Code.

103.5 ISSUING THE POLICY MANUAL

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

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

103.6 PERIODIC REVIEW OF THE POLICY MANUAL

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

103.7 REVISIONS TO POLICIES

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

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

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

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

Chapter 2 - Organization and Administration

Organizational Structure and Responsibility

200.1 PURPOSE AND SCOPE

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

200.2 BUREAUS

The Chief of Police is responsible for administering and managing the Blue Ash Police Department. There are 3 bureaus in the Police Department:

- Administration Bureau
- Patrol Bureau
- Support Bureau

200.2.1 ADMINISTRATION BUREAU

The Administration Bureau is commanded by the assigned Lieutenant, whose primary responsibility is to provide general management, direction and control for the Administration Bureau, including management of the Department budget and the designation of the custodian of records. The Administration Bureau consists of Technical Services and Administrative Services.

200.2.2 PATROL BUREAU

The Operations Bureau is commanded by the assigned Lieutenant, whose primary responsibility is to provide general management, direction and control for the Operations Bureau. The Operations Bureau consists of the Patrol Section, which includes Traffic Safety and Canine Patrol.

200.2.3 SUPPORT BUREAU

The Support Bureau is commanded by the assigned Support lieutenant, whose primary responsibility is to provide general management, direction and control for the Support Bureau. The Support Bureau consists of the Detective Section, Dispatch, Community Services Section and the Internal Affairs Unit.

200.3 COMMAND PROTOCOL

200.3.1 SUCCESSION OF COMMAND

The Chief of Police exercises command over all personnel in the Department. During planned absences the Chief of Police, the Captain will act in the place of the Chief of Police.

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

- (a) Operations Bureau Commander
- (b) Administration Bureau Commander
- (c) Support Bureau Commander
- (d) Shift OIC

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Organizational Structure and Responsibility

200.3.2 UNITY OF COMMAND

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

200.3.3 ORDERS

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

200.3.4 UNLAWFUL AND CONFLICTING ORDERS

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

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

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

General Order

201.1 PURPOSE AND SCOPE

General Orders establish interoffice communications that may be used by the Chief of Police to make immediate changes to policy and procedure, in accordance with the current memorandum of understanding or other employment agreement. General Orders will immediately modify or change and supersede sections of this manual to which they pertain.

201.1.1 SPECIAL ORDERS PROTOCOL

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

201.2 RESPONSIBILITIES

201.2.1 STAFF

The Chief of Police or designee shall review and approve revisions of the Policy Manual and may incorporate changes originally made by General Orders.

201.2.2 CHIEF OF POLICE

The Chief of Police or designee shall issue all General Orders.

201.3 ACCEPTANCE OF GENERAL ORDERS

All employees are required to read and obtain any necessary clarification of all General Orders. All employees are required to acknowledge in writing the receipt and review of any new General Order. Signed acknowledgement forms and/or e-mail receipts showing an employee's acknowledgement will be maintained by the Staff Lieutenant.

Emergency Management Plan

202.1 PURPOSE AND SCOPE

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

202.2 ACTIVATING THE EMERGENCY MANAGEMENT PLAN

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

202.2.1 RECALL OF PERSONNEL

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

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

202.3 LOCATION OF MANUALS

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

202.4 PLAN REVIEW

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

202.5 PLAN TRAINING

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

Training Policy

203.1 PURPOSE AND SCOPE

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

203.2 POLICY

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

203.3 OBJECTIVES

The objectives of the training program are to:

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

203.4 ADMINISTRATIVE LIEUTENANT

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

203.5 TRAINING PLAN

The training plan should include the anticipated costs associated with each type of training, including attendee salaries and backfill costs. The plan should include a systematic and detailed method for recording all training for all members.

Updates and revisions may be made to any portion of the training plan at any time it is deemed necessary.

The plan will address all required training.

203.5.1 GOVERNMENT-MANDATED TRAINING

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

- (a) Federally mandated training:
 - 1. National Incident Management System (NIMS) training
- (b) State-mandated training:

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1. Peace officer basic training program pursuant to OAC § 109:2-1-13 and OAC § 109:2-1-16, including training in:
 - (a) Handling of missing children, missing persons, and child abuse and neglect cases (ORC § 109.741).
 - (b) Crisis intervention (ORC § 109.742).
 - (c) Domestic violence-related cases and incidents (ORC § 109.744).
2. Continuing professional training, as directed by the Ohio Peace Officer Training Commission (ORC § 109.803).
3. Annual firearms requalification (ORC § 109.801).
4. Members who serve as school resource officers shall receive training for school resource officers as required by OAC § 3301-35-15 and in collaboration with the appropriate school district (OAC § 3301-35-15).
 - (a) Training shall include professional development for the implementation of positive behavior intervention, and crisis management and de-escalation techniques (OAC § 3301-35-15).

203.6 TRAINING COMMITTEE

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

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

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

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

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

The Administrative Lieutenant will consider the recommendations of the committee and determine what training should be addressed, taking into consideration the mission of the Department and the

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available resources. Training recommendations as determined by the Administrative Lieutenant shall be submitted to the command staff for review.

203.7 TRAINING ATTENDANCE

- (a) All members assigned to attend training shall attend as scheduled unless previously excused by their immediate supervisor. Excused absences should be limited to:
 - 1. Court appearances.
 - 2. Previously approved vacation or time off.
 - 3. Illness or medical leave.
 - 4. Physical limitations preventing the member's participation.
 - 5. Emergency situations or department necessity.
- (b) Any member who is unable to attend training as scheduled shall notify the member's supervisor as soon as practicable but no later than one hour prior to the start of training and shall:
 - 1. Document the member's absence in a memorandum to the member's supervisor.
 - 2. Make arrangements through the member's supervisor or the Administrative Lieutenant to attend the required training on an alternate date.

203.8 DAILY TRAINING BULLETINS

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

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

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

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

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203.9 TRAINING RECORDS

The Administrative Lieutenant is responsible for the creation, filing, and storage of all training records. Training records shall be retained in accordance with the established records retention schedule.

Electronic Mail

204.1 PURPOSE AND SCOPE

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

204.1.1 CITY POLICY

All employees must abide by the City of Blue Ash, Information Systems/Internet/Email Security Policy, Procedures, and Regulations.

204.2 E-MAIL RIGHT OF PRIVACY

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

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

204.3 PROHIBITED USE OF E-MAIL

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

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

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

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204.4 MANAGEMENT OF E-MAIL

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

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

All messages over one month since receipt or transmission may be deleted or archived automatically at regular intervals from the main e-mail server archive by the information technology staff in accordance with the current Records Retention Schedule.

Administrative Communications

205.1 PURPOSE AND SCOPE

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

205.2 MEMORANDUMS

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

205.3 CORRESPONDENCE

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

205.4 SURVEYS

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

205.5 OTHER COMMUNICATIONS

General Orders and other communications necessary to ensure the effective operation of the Department shall be issued by the Chief of Police or designee or Bureau Commanders.

Chapter 3 - General Operations

Use of Force

300.1 PURPOSE AND SCOPE

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

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

300.1.1 DEFINITIONS

Definitions related to this policy include:

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

Feasible - Reasonably capable of being done or carried out under the circumstances to successfully achieve the arrest or lawful objective without increasing risk to the officer or another person.

Force - The application of physical techniques or tactics, chemical agents, or weapons to another person. It is not a use of force when a person allows him/herself to be searched, escorted, handcuffed, or restrained.

Imminent - Ready to take place; impending. Note that imminent does not mean immediate or instantaneous.

Totality of the circumstances - All facts and circumstances known to the officer at the time, taken as a whole, including the conduct of the officer and the subject leading up to the use of force.

300.2 POLICY

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

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

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

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300.2.1 DUTY TO INTERCEDE AND REPORT

Any officer present and observing another law enforcement officer or a member using force that is clearly beyond that which is objectively reasonable under the circumstances shall, when in a position to do so, intercede to prevent the use of unreasonable force.

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

300.2.2 PERSPECTIVE

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

300.3 USE OF FORCE

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

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

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

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

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

300.3.1 USE OF FORCE TO EFFECT AN ARREST

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

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self-defense by the use of reasonable force to effect the arrest, prevent escape or to overcome resistance.

300.3.2 FACTORS USED TO DETERMINE THE REASONABLENESS OF FORCE

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

- (a) Immediacy and severity of the threat to officers or others.
- (b) The conduct of the individual being confronted, as reasonably perceived by the officer at the time.
- (c) Officer/subject factors (e.g., age, size, relative strength, skill level, injuries sustained, level of exhaustion or fatigue, the number of officers available vs. subjects).
- (d) The effects of suspected drug or alcohol use.
- (e) The individual's mental state or capacity.
- (f) The individual's ability to understand and comply with officer commands.
- (g) Proximity of weapons or dangerous improvised devices.
- (h) The degree to which the individual has been effectively restrained and the individual's ability to resist despite being restrained.
- (i) The availability of other reasonable and feasible options and their possible effectiveness.
- (j) Seriousness of the suspected offense or reason for contact with the individual.
- (k) Training and experience of the officer.
- (l) Potential for injury to officers, suspects, and others.
- (m) Whether the individual appears to be resisting, attempting to evade arrest by flight, or is attacking the officer.
- (n) The risk and reasonably foreseeable consequences of escape.
- (o) The apparent need for immediate control of the individual or a prompt resolution of the situation.
- (p) Whether the conduct of the individual being confronted no longer reasonably appears to pose an imminent threat to the officer or others.
- (q) Prior contacts with the individual or awareness of any propensity for violence.
- (r) Any other exigent circumstances.

300.3.3 USE OF FORCE TO SEIZE EVIDENCE

In general, officers may use reasonable force to lawfully seize evidence and to prevent the destruction of evidence. However, officers are discouraged from using force solely to prevent a person from swallowing evidence or contraband. In the instance when force is used, officers should not intentionally use any technique that restricts blood flow to the head, restricts respiration

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or which creates a reasonable likelihood that blood flow to the head or respiration would be restricted. Officers are encouraged to use techniques and methods taught by the Blue Ash Police Department for this specific purpose.

300.3.4 ALTERNATIVE TACTICS - DE-ESCALATION

When circumstances reasonably permit, officers should use non-violent strategies and techniques to decrease the intensity of a situation, improve decision-making, improve communication, reduce the need for force, and increase voluntary compliance (e.g., summoning additional resources, formulating a plan, attempting verbal persuasion).

300.3.5 PAIN COMPLIANCE TECHNIQUES

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

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

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

300.3.6 CAROTID CONTROL HOLD

A carotid control hold is a technique designed to control an individual by temporarily restricting blood flow through the application of pressure to the side of the neck and, unlike a chokehold, does not restrict the airway. The proper application of the carotid control hold may be effective in restraining a violent or combative individual. However, due to the potential for injury, the use of the carotid control hold is limited to those circumstances where deadly force is authorized and is subject to the following:

- (a) At all times during the application of the carotid control hold, the response of the individual should be monitored. The carotid control hold should be discontinued when circumstances indicate that the application no longer reasonably appears necessary.
- (b) Any individual who has had the carotid control hold applied, regardless of whether he/she was rendered unconscious, shall be promptly examined by paramedics or other qualified medical personnel and should be monitored until such examination occurs.
- (c) The officer shall inform any person receiving custody, or any person placed in a position of providing care, that the individual has been subjected to the carotid control hold and whether the individual lost consciousness as a result.
- (d) Any officer attempting or applying the carotid control hold shall promptly notify a supervisor of the use or attempted use of such hold.

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- (e) The use or attempted use of the carotid control hold shall be thoroughly documented by the officer in any related reports.

300.3.7 RESPIRATORY RESTRAINTS

The use of a respiratory restraint, also known as a chokehold, is limited to circumstances where deadly force is authorized and if applied, is subject to the same guidelines and requirements as a carotid control hold.

300.4 DEADLY FORCE APPLICATIONS

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

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

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

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

300.4.1 MOVING VEHICLES

Shots fired at or from a moving vehicle involve additional considerations and risks.

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

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

Except in extreme circumstances, officers should not shoot at any part of a vehicle in an attempt to disable the vehicle.

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300.5 REPORTING THE USE OF FORCE

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

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

300.5.1 NOTIFICATIONS TO SUPERVISORS

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

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

300.6 MEDICAL CONSIDERATIONS

Once it is reasonably safe to do so, medical assistance shall be obtained for any person who exhibits signs of physical distress, has sustained visible injury, expresses a complaint of injury or continuing pain, or was rendered unconscious. Any individual exhibiting signs of physical distress after an encounter should be continuously monitored until the individual can be medically assessed. Individuals should not be placed on their stomachs for an extended period, as this could impair their ability to breathe.

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

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

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

See the Medical Aid and Response Policy for additional guidelines.

300.7 SUPERVISOR RESPONSIBILITIES

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

- (a) Obtain the basic facts from the involved officers. Absent an allegation of misconduct or excessive force, this will be considered a routine contact in the normal course of duties.
- (b) Ensure that any injured parties are examined and treated.
- (c) When possible, separately obtain a recorded interview with the individual upon whom force was applied. If this interview is conducted without the individual having voluntarily waived their *Miranda* rights, the following shall apply:
 - 1. The content of the interview should not be summarized or included in any related criminal charges.
 - 2. The fact that a recorded interview was conducted should be documented in a property or other report.
 - 3. The recording of the interview should be distinctly marked for retention until all potential for civil litigation has expired.
- (d) Once any initial medical assessment has been completed or first aid has been rendered, ensure that photographs have been taken of any areas involving visible injury or complaint of pain, as well as overall photographs of uninjured areas.
 - 1. These photographs should be retained until all potential for civil litigation has expired.
- (e) Identify any witnesses not already included in related reports.
- (f) Review and approve all related reports for policy compliance.

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- (g) Determine if there is any indication that the individual may pursue civil litigation.
 - 1. If there is an indication of potential civil litigation, the supervisor should complete and route a notification of a potential claim through the appropriate channels.
- (h) Evaluate the circumstances surrounding the incident and initiate an administrative investigation if there is a question of policy noncompliance or if for any reason further investigation may be appropriate.

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

300.7.1 SHIFT OIC RESPONSIBILITY

The Shift OIC shall review each use of force by any personnel within his/her command to ensure compliance with this policy and to address any training issues.

300.8 TRAINING

Officers will receive annual training on this policy and demonstrate their knowledge and understanding, including use of deadly force, use of force and use of deadly force reporting, and use of force and use of deadly force reviews/investigations.

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

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

300.8.1 POLICY ACKNOWLEDGEMENT AND TESTING

Annually, applicable department members will read, sign, and be tested on this policy.

300.9 USE OF FORCE ANALYSIS

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

- (a) The identification of any trends in the use of force by members.
- (b) Training needs recommendations.
- (c) Equipment needs recommendations.
- (d) Policy revision recommendations.

Use of Force Review Board

301.1 PURPOSE AND SCOPE

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

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

301.2 POLICY

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

301.3 REVIEW BOARD

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

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

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

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

301.3.1 COMPOSITION OF THE BOARD

The Administration Bureau Commander should select five Use of Force Review Board members from the following, as appropriate:

- Operations Bureau Commander
- Administration Bureau Commander
- Patrol supervisor
- CIS supervisor
- A peer officer
- A sworn peace officer from an outside law enforcement agency
- Department instructor for the type of weapon, device or technique used

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Use of Force Review Board

The Administration Bureau Commander or senior ranking command representative will serve as chairperson.

301.3.2 RESPONSIBILITIES OF THE BOARD

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

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

The board does not have the authority to recommend discipline.

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

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

Any questioning of the involved employee conducted by the board will be in accordance with the department's disciplinary procedures, the Personnel Complaints Policy, the current collective bargaining agreement and any applicable state or federal law.

The board shall make one of the following recommended findings:

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

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

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

At the conclusion of any additional reviews, copies of all relevant reports and information will be filed with the Chief of Police.

Handcuffing and Restraints

302.1 PURPOSE AND SCOPE

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

302.2 POLICY

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

302.3 USE OF RESTRAINTS

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

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

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

302.3.1 RESTRAINT OF DETAINEES

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

302.3.2 RESTRAINT OF PREGNANT PERSONS PRIOR TO BOOKING

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

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

302.3.3 NOTIFICATIONS

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

302.3.4 RESTRAINT OF PREGNANT PERSONS AFTER BOOKING

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

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

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

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

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

302.4 APPLICATION OF HANDCUFFS OR PLASTIC CUFFS

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

Although recommended for most arrest situations, handcuffing is discretionary and not an absolute requirement of the Department. Officers should consider handcuffing any person they reasonably believe warrants that degree of restraint. However, officers should not conclude that in order to avoid risk every person should be handcuffed, regardless of the circumstances.

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

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

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

302.5 APPLICATION OF SPIT HOODS/MASKS/SOCKS

Spit hoods/masks/socks are temporary protective devices designed to prevent the wearer from biting and/or transferring or transmitting fluids (saliva and mucous) to others.

Spit hoods may be placed upon persons in custody when the officer reasonably believes the person will bite or spit, either on a person or in an inappropriate place. They are generally used during application of a physical restraint, while the person is restrained, or during or after transport.

Officers utilizing spit hoods should ensure that the hood is fastened properly to allow for adequate ventilation and that the restrained person can breathe normally. Officers should provide assistance during the movement of restrained individuals due to the potential for impaired or distorted vision on the part of the individual. Officers should avoid comingling individuals wearing spit hoods with other detainees.

Spit hoods should not be used in situations where the restrained person is bleeding profusely from the area around the mouth or nose, or if there are indications that the person has a medical condition, such as difficulty breathing or vomiting. In such cases, prompt medical care should be obtained. If the person vomits while wearing a spit hood, the spit hood should be promptly removed and discarded. Persons who have been sprayed with oleoresin capicum (OC) spray should be thoroughly decontaminated including hair, head and clothing prior to application of a spit hood.

Those who have been placed in a spit hood should be continually monitored and shall not be left unattended until the spit hood is removed. Spit hoods shall be discarded after each use.

302.6 APPLICATION OF AUXILIARY RESTRAINT DEVICES

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

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

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302.7 APPLICATION OF LEG RESTRAINT DEVICES

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

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

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

302.7.1 GUIDELINES FOR USE OF LEG RESTRAINTS

When applying leg restraints the following guidelines should be followed:

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

302.8 REQUIRED DOCUMENTATION

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

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

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

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

302.9 TRAINING

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

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

Control Devices and Techniques

303.1 PURPOSE AND SCOPE

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

303.2 POLICY

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

303.3 ISSUING, CARRYING AND USING CONTROL DEVICES

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

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

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

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

303.4 RESPONSIBILITIES

303.4.1 SHIFT OIC RESPONSIBILITIES

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

303.4.2 FIREARMS TRAINING UNIT OIC RESPONSIBILITIES

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

Every control device will be periodically inspected by the Firearms Training Unit OIC or the designated instructor for a particular control device. The inspection shall be documented.

303.4.3 USER RESPONSIBILITIES

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

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

303.5 BATON GUIDELINES

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

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

303.6 TEAR GAS GUIDELINES

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

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

303.6.1 TREATMENT FOR TEAR GAS EXPOSURE

Persons who have been sprayed with or otherwise affected by the use of tear gas should be promptly moved to fresh air, away from any lingering tear gas. Officers should encourage the exposed person to remain calm, to breathe through the mouth, face into the wind, and rapidly blink their eyes. Fresh water may be used to rinse the person's face, if necessary. Those persons who complain of further severe effects shall be examined by appropriate medical personnel.

303.7 OLEORESIN CAPSICUM (OC) GUIDELINES

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

303.7.1 OC SPRAY

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

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303.7.2 TREATMENT FOR OC SPRAY EXPOSURE

Persons who have been sprayed with or otherwise affected by the use of OC should be promptly provided treatment by appropriate medical personnel and decontaminated following the OC spray manufacturer's recommendations.

303.8 POST-APPLICATION NOTICE

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

303.9 KINETIC ENERGY PROJECTILE GUIDELINES

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

303.9.1 DEPLOYMENT AND USE

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

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

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

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

303.9.2 DEPLOYMENT CONSIDERATIONS

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

- (a) Distance and angle to target.
- (b) Type of munitions employed.

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

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

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

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

303.10 TRAINING FOR CONTROL DEVICES

The Firearms Training OIC shall ensure that all personnel who are authorized to carry a control device have been properly trained and certified to carry the specific control device and are retrained or recertified regularly.

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

303.11 REPORTING USE OF CONTROL DEVICES AND TECHNIQUES

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

Conducted Energy Device

304.1 PURPOSE AND SCOPE

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

304.2 POLICY

The CED is used in an attempt to control a violent or potentially violent individual. The appropriate use of such a device may result in fewer serious injuries to officers and suspects.

304.3 ISSUANCE AND CARRYING CEDS

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

The Firearms Training Unit OIC should keep a log of issued CED devices and the serial numbers of cartridges/magazines issued to members.

CEDs are issued for use during a member's current assignment. Those leaving a particular assignment may be required to return the device to the department inventory.

Officers shall only use the CED and cartridges/magazines that have been issued by the Department. Cartridges/magazines should not be used after the manufacturer's expiration date.

Uniformed officers who have been issued the CED shall wear the device in an approved holster.

Officers who carry the CED while in uniform shall carry it in a holster on the side opposite the duty weapon.

- (a) All CEDs shall be clearly distinguishable to differentiate them from the duty weapon and any other device.
- (b) For single-shot devices, whenever practicable, officers should carry an additional cartridge on their person when carrying the CED.
- (c) Officers should not hold a firearm and the CED at the same time.

Non-uniformed officers may secure the CED in a concealed, secure location in the driver's compartment of their vehicles.

304.3.1 USER RESPONSIBILITIES

Officers shall be responsible for ensuring that the issued CED is properly maintained and in good working order. This includes a function test and battery life monitoring, as required by the manufacturer, and should be completed prior to the beginning of the officer's shift.

CEDs that are damaged or inoperative, or cartridges/magazines that are expired or damaged, shall be returned to the Firearms Training Unit OIC for disposition. Officers shall submit documentation stating the reason for the return and how the CED or cartridge/magazine was damaged or became inoperative, if known.

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304.4 VERBAL AND VISUAL WARNINGS

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

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

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

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

304.5 USE OF THE CED

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

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

304.5.1 APPLICATION OF THE CED

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

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

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

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

304.5.2 SPECIAL DEPLOYMENT CONSIDERATIONS

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

- (a) Individuals who are known to be pregnant.

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- (b) Elderly individuals or obvious juveniles.
- (c) Individuals with obviously low body mass.
- (d) Individuals who are handcuffed or otherwise restrained.
- (e) Individuals known to have been recently sprayed with a flammable chemical agent or who are otherwise known to be in close proximity to any known combustible vapor or flammable material, including alcohol-based oleoresin capsicum (OC) spray.
- (f) Individuals whose position or activity is likely to result in collateral injury (e.g., falls from height, located in water, operating vehicles).

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

304.5.3 TARGETING CONSIDERATIONS

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

304.5.4 MULTIPLE APPLICATIONS OF THE CED

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

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

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

304.5.5 ACTIONS FOLLOWING DEPLOYMENTS

Officers should take appropriate actions to control and restrain the individual as soon as reasonably practicable to minimize the need for longer or multiple exposures to the CED. As soon as practicable, officers shall notify a supervisor any time the CED has been discharged. If needed for evidentiary purposes, the expended cartridge, along with any probes and wire, should

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be submitted into evidence (including confetti tags, when equipped on the device). The evidence packaging should be marked "Biohazard" if the probes penetrated the subject's skin.

304.5.6 DANGEROUS ANIMALS

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

304.5.7 OFF-DUTY CONSIDERATIONS

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

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

304.6 DOCUMENTATION

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

304.6.1 CED REPORT FORM

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

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

The Administrative Lieutenant should periodically analyze the report forms to identify trends, including deterrence and effectiveness. The Administrative Lieutenant should also conduct audits

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of CED device data downloaded to an approved location and reconcile CED report forms with recorded activations. CED information and statistics, with identifying information removed, should periodically be made available to the public.

304.7 MEDICAL TREATMENT

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

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

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

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

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

304.8 SUPERVISOR RESPONSIBILITIES

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

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

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304.9 TRAINING

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

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

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

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

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

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

The Administrative Lieutenant should include the following training:

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

Officer-Involved Shootings and Deaths

305.1 PURPOSE AND SCOPE

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

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

305.2 POLICY

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

305.3 TYPES OF INVESTIGATIONS

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

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

305.4 CONTROL OF INVESTIGATIONS

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

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

305.4.1 CRIMINAL INVESTIGATION OF SUSPECT ACTIONS

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

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

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305.4.2 CRIMINAL INVESTIGATION OF OFFICER ACTIONS

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

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

305.4.3 ADMINISTRATIVE AND CIVIL INVESTIGATION

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

305.5 INVESTIGATION PROCESS

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

305.5.1 UNINVOLVED OFFICER RESPONSIBILITIES

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

- (a) Secure the scene and identify and eliminate hazards for all those involved.
- (b) Take reasonable steps to obtain emergency medical attention for injured individuals.
- (c) Request additional resources from the Department or other agencies.
- (d) Coordinate a perimeter or pursuit of suspects.
- (e) Check for injured persons and evacuate as needed.
- (f) Brief the supervisor upon arrival.

305.5.2 SUPERVISOR RESPONSIBILITIES

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

- (a) Attempt to obtain a brief overview of the situation from any uninvolved officers.
 - 1. In the event that there are no uninvolved officers who can supply adequate overview, the supervisor should attempt to obtain a brief voluntary overview from one involved officer.
- (b) If necessary, the supervisor may administratively order any BAPD officer to immediately provide public safety information necessary to secure the scene, identify injured parties and pursue suspects.
 - 1. Public safety information shall be limited to such things as outstanding suspect information, number and direction of any shots fired, perimeter of the incident

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scene, identity of known or potential witnesses and any other pertinent information.

2. The initial on-scene supervisor should not attempt to order any involved officer to provide any information other than public safety information.
- (c) Provide all available information to the Shift OIC and Dispatch. If feasible, sensitive information should be communicated over secure networks.
 - (d) Take command of and secure the incident scene with additional BAPD members until properly relieved by another supervisor or other assigned personnel or investigator.
 - (e) As soon as practicable, ensure that involved officers are transported (separately, if feasible) to a suitable location for further direction.
 1. Each involved BAPD officer should be given an administrative order not to discuss the incident with other involved officers or BAPD members pending further direction from a supervisor.
 2. When an involved officer's weapon is taken or left at the scene for other than officer-safety reasons (e.g., evidence), ensure that he/she is provided with a comparable replacement weapon or transported by other officers.

305.5.3 NOTIFICATIONS

The following persons shall be notified as soon as practicable:

- Chief of Police
- Detective Bureau Commander
- OIS Protocol rollout team
- Outside agency investigators (if appropriate)
- Internal Affairs Unit supervisor
- Civil liability response team
- Psychological/peer support personnel
- Chaplain
- Coroner (if necessary)
- Involved officer's agency representative (if requested)
- Public Information Officer

305.5.4 INVOLVED OFFICERS

The following shall be considered for the involved officer:

- (a) Any request for legal or union representation will be accommodated.
 1. Involved BAPD officers shall not be permitted to meet collectively or in a group with an attorney or any representative prior to providing a formal interview or report.

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2. Requests from involved non-BAPD officers should be referred to their employing agency.
- (b) Discussions with licensed attorneys will be considered privileged as attorney-client communications.
- (c) Discussions with agency representatives/employee groups will be privileged only as to the discussion of non-criminal information.
- (d) A licensed psychotherapist shall be provided by the Department to each involved BAPD officer. A licensed psychotherapist may also be provided to any other affected BAPD members, upon request.
 1. Interviews with a licensed psychotherapist will be considered privileged.
 2. An interview or session with a licensed psychotherapist may take place prior to the member providing a formal interview or report. However, involved members shall not be permitted to consult or meet collectively or in a group with a licensed psychotherapist prior to providing a formal interview or report.
 3. A separate fitness-for-duty exam may also be required (see the Fitness for Duty Policy).
- (e) Communications between the involved officer and a peer support member or a critical incident stress management team member are addressed in the Wellness Program Policy.

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

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

305.6 CRIMINAL INVESTIGATION

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

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

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

- (a) BAPD supervisors and Internal Affairs Unit personnel should not participate directly in any voluntary interview of BAPD officers. This will not prohibit such personnel from monitoring interviews or providing the criminal investigators with topics for inquiry.

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

305.6.1 REPORTS BY INVOLVED BAPD OFFICERS

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

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

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

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

305.6.2 WITNESS IDENTIFICATION AND INTERVIEWS

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

- (a) Identification of all persons present at the scene and in the immediate area.
 - 1. When feasible, a recorded statement should be obtained from those persons who claim not to have witnessed the incident but who were present at the time it occurred.

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

305.6.3 INVESTIGATIVE PERSONNEL

Once notified of an officer-involved shooting or death, it shall be the responsibility of the designated Detective Section supervisor to assign appropriate investigative personnel to handle the investigation of related crimes.

All related department reports, except administrative and/or privileged reports, will be forwarded to the designated Detective Section supervisor for approval. Privileged reports shall be maintained exclusively by members who are authorized such access. Administrative reports will be forwarded to the appropriate Bureau Commander.

305.7 ADMINISTRATIVE INVESTIGATION

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

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

- (a) Any officer involved in a shooting or death may be requested or administratively compelled to provide a blood sample for alcohol/drug screening. Absent consent from the officer, such compelled samples and the results of any such testing shall not be disclosed to any criminal investigative agency.
- (b) If any officer has voluntarily elected to provide a statement to criminal investigators, the assigned administrative investigator should review that statement before proceeding with any further interview of that involved officer.
 1. If a further interview of the officer is deemed necessary to determine policy compliance, care should be taken to limit the inquiry to new areas with minimal, if any, duplication of questions addressed in the voluntary statement. The involved officer shall be provided with a copy of his/her prior statement before proceeding with any subsequent interviews.

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- (c) In the event that an involved officer has elected not to provide criminal investigators with a voluntary statement, the assigned administrative investigator shall conduct an administrative interview to determine all relevant information.
 - 1. Although this interview should not be unreasonably delayed, care should be taken to ensure that the officer's physical and psychological needs have been addressed before commencing the interview.
 - 2. If requested, the officer shall have the opportunity to select an uninvolved representative to be present during the interview. However, in order to maintain the integrity of each individual officer's statement, involved officers shall not consult or meet with a representative collectively or in groups prior to being interviewed.
 - 3. Administrative interviews should be recorded by the investigator. The officer may also record the interview.
 - 4. The officer shall be informed of the nature of the investigation. If an officer refuses to answer questions, he/she should be given his/her *Garrity* rights and ordered to provide full and truthful answers to all questions. The officer shall be informed that the interview will be for administrative purposes only and that the statement cannot be used criminally.
 - 5. The Internal Affairs Unit shall compile all relevant information and reports necessary for the Department to determine compliance with applicable policies.
 - 6. Regardless of whether the use of force is an issue in the case, the completed administrative investigation shall be submitted to the Use of Force Review Board, which will restrict its findings as to whether there was compliance with the Use of Force Policy.
 - 7. Any other indications of potential policy violations shall be determined in accordance with standard disciplinary procedures.

305.8 CIVIL LIABILITY RESPONSE

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

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

305.9 AUDIO AND VIDEO RECORDINGS

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

Upon request, non-law enforcement witnesses who are able to verify their presence and their ability to contemporaneously perceive events at the scene of an incident may also be permitted

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to review available MAV, body-worn video, or other video or audio recordings with the approval of assigned investigators or a supervisor.

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

305.10 DEBRIEFING

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

305.10.1 TACTICAL DEBRIEFING

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

305.11 MEDIA RELATIONS

Any media release shall be prepared with input and concurrence from the supervisor and department representative responsible for each phase of the investigation. Releases will be available to the Shift OIC, Detective Bureau Commander and Public Information Officer in the event of inquiries from the media.

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

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

Firearms

306.1 PURPOSE AND SCOPE

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

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

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

306.1.1 AUTHORIZATION TO CARRY FIREARMS

Only sworn personnel who have met all state standards and have been authorized by the Chief of Police shall have the peace officer privilege to carry a firearm both on- and off-duty.

306.2 POLICY

The Blue Ash Police Department will equip its members with firearms to address the risks posed to the public and department members by violent and sometimes well-armed persons. The Department will ensure firearms are appropriate and in good working order and that relevant training is provided as resources allow.

306.3 AUTHORIZED FIREARMS, AMMUNITION AND OTHER WEAPONS

Members shall only use firearms that are issued or approved by the Department and have been thoroughly inspected by the Firearms Training Unit. Except in an emergency or as directed by a supervisor, no firearm shall be carried by a member who has not qualified with that firearm at an authorized department range.

All other weapons not provided by the Department, including, but not limited to, edged weapons, chemical or electronic weapons, impact weapons or any weapon prohibited or restricted by law or that is not covered elsewhere by department policy, may not be carried by members in the performance of their official duties without the express written authorization of the member's Bureau Commander. This exclusion does not apply to the carrying of a single folding pocketknife or sheath knife that is not otherwise prohibited by law.

306.3.1 HANDGUNS

The authorized department-issued handgun is the Smith & Wesson handgun. The following additional handguns are approved for on-duty use:

MAKE	MODEL	CALIBER
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306.3.2 SHOTGUNS

The authorized department-issued shotgun is the Patrol Shotgun. The following additional shotguns are approved for on-duty use:

MAKE	MODEL	CALIBER
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When not deployed, the shotgun shall be properly secured consistent with department training in a locked weapons rack in the patrol vehicle.

306.3.3 PATROL RIFLES

The authorized department-issued patrol rifle is the Patrol Rifle. The following additional patrol rifles are approved for on-duty use:

MAKE	MODEL	CALIBER
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Members may deploy the patrol rifle in any circumstance where the member can articulate a reasonable expectation that the rifle may be needed. Examples of some general guidelines for deploying the patrol rifle may include, but are not limited to:

- (a) Situations where the member reasonably anticipates an armed encounter.
- (b) When a member is faced with a situation that may require accurate and effective fire at long range.
- (c) Situations where a member reasonably expects the need to meet or exceed a suspect's firepower.
- (d) When a member reasonably believes that there may be a need to fire on a barricaded person or a person with a hostage.
- (e) When a member reasonably believes that a suspect may be wearing body armor.
- (f) When authorized or requested by a supervisor.
- (g) When needed to euthanize an animal.

When not deployed, the patrol rifle shall be properly secured consistent with department training in a locking weapons rack in the patrol vehicle.

306.3.4 PERSONALLY OWNED DUTY FIREARMS

Members desiring to carry an authorized but personally owned duty firearm must receive written approval from the Chief of Police or the authorized designee. Once approved, personally owned duty firearms are subject to the following restrictions:

- (a) The firearm shall be in good working order and on the department list of approved firearms.
- (b) The firearm shall be inspected by the Firearms Training Unit OIC prior to being carried and thereafter shall be subject to inspection whenever it is deemed necessary.
- (c) Prior to carrying the firearm, members shall qualify under range supervision and thereafter shall qualify in accordance with the department qualification schedule. Members must demonstrate proficiency and safe handling, and that the firearm functions properly.
- (d) Members shall provide written notice of the make, model, color, serial number and caliber of the firearm to the Firearms Training Unit OIC, who will maintain a list of the information.

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306.3.5 AUTHORIZED SECONDARY HANDGUN

Members desiring to carry department or personally owned secondary handguns are subject to the following restrictions:

- (a) The handgun shall be in good working order and on the department list of approved firearms.
- (b) Only one secondary handgun may be carried at a time.
- (c) The purchase of the handgun and ammunition shall be the responsibility of the member unless the handgun and ammunition are provided by the Department.
- (d) The handgun shall be carried concealed at all times and in such a manner as to prevent unintentional cocking, discharge, or loss of physical control.
- (e) The handgun shall be inspected by the Firearms Training Unit OIC prior to being carried and thereafter shall be subject to inspection whenever it is deemed necessary.
- (f) Ammunition shall be the same as department issue. If the caliber of the handgun is other than department issue, the Chief of Police or the authorized designee shall approve the ammunition.
- (g) Prior to carrying the secondary handgun, members shall qualify under range supervision and thereafter shall qualify in accordance with the department qualification schedule. Members must demonstrate proficiency and safe handling, and that the handgun functions properly.
- (h) Members shall provide written notice of the make, model, color, serial number, and caliber of a secondary handgun to the Firearms Training Unit OIC, who will maintain a list of the information.

306.3.6 AMMUNITION

Members shall carry only department-authorized ammunition. Members shall be issued fresh duty ammunition in the specified quantity for all department-issued firearms during the member's firearms qualification. Replacements for unserviceable or depleted ammunition issued by the Department shall be dispensed by the Firearms Training Unit OIC or designee when needed, in accordance with established policy.

306.3.7 AUTHORIZED CARRY IN COURT FACILITIES

Carrying of a firearm by officers into courtrooms or court buildings is subject to local court security rules and shall only be permitted while the officer is acting within the scope of his/her duties (as determined by the Chief of Police) (ORC § 2923.123).

306.4 EQUIPMENT

Firearms carried on- or off-duty shall be maintained in a clean, serviceable condition. Maintenance and repair of authorized personally owned firearms are the responsibility of the individual member.

306.4.1 REPAIRS OR MODIFICATIONS

Each member shall be responsible for promptly reporting any damage or malfunction of an assigned firearm to a supervisor or the Firearms Training Unit.

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Firearms that are the property of the Department or personally owned firearms that are approved for department use may be repaired or modified only by a person who is department-approved and certified as an armorer or gunsmith in the repair of the specific firearm. Such modification or repair must be authorized in advance by the Firearms Training Unit.

Any repairs or modifications to the member's personally owned firearm shall be done at his/her expense and must be approved by the Firearms Training Unit.

306.4.2 HOLSTERS

Only department-approved holsters shall be used and worn by members. Members shall periodically inspect their holsters to make sure they are serviceable and provide the proper security and retention of the handgun.

306.4.3 TACTICAL LIGHTS

Tactical lights may only be installed on a firearm carried on- or off-duty after they have been examined and approved by the Firearms Training Unit OIC. Once the approved tactical lights have been properly installed on any firearm, the member shall qualify with the firearm to ensure proper functionality and sighting of the firearm prior to carrying it. A flashlight should be carried on the member's person, when carrying a firearm with a tactical light.

306.4.4 OPTICS OR LASER SIGHTS

Optics or laser sights may only be installed on a firearm carried on- or off-duty after they have been examined and approved by the Firearms Training Unit OIC. Any approved sight shall only be installed in strict accordance with manufacturer specifications. Once approved sights have been properly installed on any firearm, the member shall qualify with the firearm to ensure proper functionality and sighting of the firearm prior to carrying it.

Except in an approved training situation, a member may only sight in on a target when the member would otherwise be justified in pointing a firearm at the target.

306.5 SAFE HANDLING, INSPECTION AND STORAGE

Members shall maintain the highest level of safety when handling firearms and shall consider the following:

- (a) Members shall not unnecessarily display or handle any firearm.
- (b) Members shall be governed by all rules and regulations pertaining to the use of the range and shall obey all orders issued by the Firearms Training Unit OIC. Members shall not dry fire or practice quick draws except as instructed by the Firearms Training Unit OIC or other firearms training staff.
- (c) Members shall not clean, repair, load or unload a firearm anywhere in the Department, except where clearing barrels are present.
- (d) Shotguns or rifles removed from vehicles or the equipment storage room shall be loaded and unloaded in the parking lot and outside of the vehicle, using clearing barrels.

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- (e) Members shall not place or store any firearm or other weapon on department premises except where the place of storage is locked. No one shall carry firearms into the jail section or any part thereof when securing or processing an arrestee, but shall place all firearms in a secured location. Members providing access to the jail section to persons from outside agencies are responsible for ensuring firearms are not brought into the jail section.
- (f) Members shall not use any automatic firearm, heavy caliber rifle, gas or other type of chemical weapon or firearm from the armory, except with approval of a supervisor.
- (g) Any firearm authorized by the Department to be carried on- or off-duty that is determined by a member to be malfunctioning or in need of service or repair shall not be carried. It shall be promptly presented to the Department or a Firearms Training Unit OIC approved by the Department for inspection and repair. Any firearm deemed in need of repair or service by the Firearms Training Unit OIC will be immediately removed from service. If the firearm is the member's primary duty firearm, a replacement firearm will be issued to the member until the duty firearm is serviceable.

306.5.1 INSPECTION AND STORAGE

Handguns shall be inspected regularly and upon access or possession by another person. Shotguns and rifles shall be inspected at the beginning of the shift by the member to whom the weapon is issued. The member shall ensure that the firearm is carried in the proper condition and loaded with approved ammunition. Inspection of the shotgun and rifle shall be done while standing outside of the patrol vehicle. All firearms shall be pointed in a safe direction or into clearing barrels.

Personally owned firearms may be safely stored in lockers at the end of the shift. Department-owned firearms shall be stored in the appropriate equipment storage room. Handguns may remain loaded if they are secured in an appropriate holster. Shotguns and rifles shall be unloaded in a safe manner outside the building and then stored in the appropriate equipment storage room.

306.5.2 STORAGE AT HOME

Members shall ensure that all firearms and ammunition are locked and secured while in their homes, vehicles or any other area under their control, and in a manner that will keep them inaccessible to children and others who should not have access. Members shall not permit department-issued firearms to be handled by anyone not authorized by the Department to do so. Members should be aware that negligent storage of a firearm could result in civil liability.

306.5.3 ALCOHOL AND DRUGS

Firearms shall not be carried by any member, either on- or off-duty, who has consumed an amount of an alcoholic beverage, taken any drugs or medication, or has taken any combination thereof that would tend to adversely affect the member's senses or judgment (ORC § 2923.15).

306.6 FIREARMS TRAINING AND QUALIFICATIONS

All members who carry a firearm while on-duty are required to successfully complete mandatory training with their duty firearms. In addition to mandatory training, all members will qualify at least annually with their duty, off-duty, and secondary firearms on a course approved by the Ohio Peace

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Officer Training Commission (POTC) (ORC § 109.801). Training and qualifications must be on an approved range course.

At least annually, all members carrying a firearm should receive practical training designed to simulate field situations including low-light shooting.

Instructors conducting firearms qualifications are required to have the approval of the POTC director as well as certification issued by the POTC (OAC § 109:2-13-04).

306.6.1 NON-CERTIFICATION OR NON-QUALIFICATION

If any member fails to meet minimum standards for firearms training or qualification for any reason, including injury, illness, duty status or scheduling conflict, that member shall submit a memorandum to his/her immediate supervisor prior to the end of the required training or qualification period.

Those who fail to meet minimum standards or qualify on their first shooting attempt shall be provided remedial training and will be subject to the following requirements:

- (a) Additional range assignments may be scheduled to assist the member in demonstrating consistent firearm proficiency.
- (b) Members shall be given credit for a range training or qualification when obtaining a qualifying score or meeting standards after remedial training.
- (c) No range credit will be given for the following:
 - 1. Unauthorized range make-up
 - 2. Failure to meet minimum standards or qualify after remedial training

Members who repeatedly fail to meet minimum standards will be removed from field assignment and may be subject to disciplinary action. In addition, the member may not carry a firearm until qualification is achieved (ORC § 109.801).

306.7 FIREARM DISCHARGE

Except during training or recreational use, any member who discharges a firearm intentionally or unintentionally, on- or off-duty, shall make a verbal report to his/her supervisor as soon as circumstances permit. If the discharge results in injury or death to another person, additional statements and reports shall be made in accordance with the Officer-Involved Shootings and Deaths Policy. If a firearm was discharged as a use of force, the involved member shall adhere to the additional reporting requirements set forth in the Use of Force Policy.

In all other cases, written reports shall be made as follows:

- (a) If on-duty at the time of the incident, the member shall file a written report with his/her Bureau Commander or provide a recorded statement to investigators prior to the end of shift, unless otherwise directed.

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- (b) If off-duty at the time of the incident, a written report shall be submitted or recorded statement provided no later than the end of the next regularly scheduled shift, unless otherwise directed by a supervisor.

306.7.1 DESTRUCTION OF ANIMALS

Members are authorized to use firearms to stop an animal in circumstances where the animal reasonably appears to pose an imminent threat to human safety and alternative methods are not reasonably available or would likely be ineffective.

In circumstances where there is sufficient advance notice that a potentially dangerous animal may be encountered, department members should develop reasonable contingency plans for dealing with the animal (e.g., fire extinguisher, conducted energy device, oleoresin capsicum (OC) spray, animal control officer). Nothing in this policy shall prohibit any member from shooting a dangerous animal if circumstances reasonably dictate that a contingency plan has failed, becomes impractical, or if the animal reasonably appears to pose an imminent threat to human safety.

306.7.2 INJURED ANIMALS

With the approval of a supervisor, a member may euthanize an animal that is so badly injured that human compassion requires its removal from further suffering and where other dispositions are impractical.

306.7.3 WARNING AND OTHER SHOTS

Generally, warning shots or shots fired for the purpose of summoning aid are discouraged and may not be discharged unless the member reasonably believes that they appear necessary, effective and reasonably safe.

306.8 FIREARMS TRAINING UNIT DUTIES

The range will be under the exclusive control of the Firearms Training Unit. All members attending will follow the directions of the Firearms Training Unit. The Firearms Training Unit will maintain a roster of all members attending the range.

The Firearms Training Unit has the responsibility of making periodic inspection, at least once a year, of all duty firearms carried by members of this department to verify proper operation. The Firearms Training Unit has the authority to deem any department-issued or personally owned firearm unfit for service. The member will be responsible for all repairs to his/her personal firearm; it will not be returned to service until it has been inspected and approved by the Firearms Training Unit.

The Firearms Training Unit OIC 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 Training Unit shall complete and maintain documentation of the training courses provided. Documentation shall include a description of the training provided and, on a form that has been approved by the Department, a list of each member who completes the training. The

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Firearms Training Unit should keep accurate records of all training shoots, qualifications, repairs, and maintenance.

306.9 FLYING WHILE ARMED

The Transportation Security Administration (TSA) has imposed rules governing law enforcement officers flying armed on commercial aircraft. The following requirements apply to officers who intend to be armed while flying on a commercial air carrier or flights where screening is conducted (49 CFR 1544.219):

- (a) Officers wishing to fly while armed must be flying in an official capacity, not for vacation or pleasure, and must have a need to have the firearm accessible, as determined by the Department based on the law and published TSA rules.
- (b) Officers must carry their Blue Ash Police Department identification card, bearing the officer's name, a full-face photograph, identification number, the officer's signature and the signature of the Chief of Police or the official seal of the Department and must present this identification to airline officials when requested. The officer should also carry the standard photo identification needed for passenger screening by airline and TSA officials (e.g., driver license, passport).
- (c) The Blue Ash Police Department must submit a National Law Enforcement Telecommunications System (NLETS) message prior to the officer's travel. If approved, TSA will send the Blue Ash Police Department an NLETS message containing a unique alphanumeric identifier. The officer must present the message on the day of travel to airport personnel as authorization to travel while armed.
- (d) An official letter signed by the Chief of Police authorizing armed travel may also accompany the officer. The letter should outline the officer's need to fly armed, detail his/her itinerary, and include that the officer has completed the mandatory TSA training for a law enforcement officer flying while armed.
- (e) Officers must have completed the mandated TSA security training covering officers flying while armed. The training shall be given by the department-appointed instructor.
- (f) It is the officer's responsibility to notify the air carrier in advance of the intended armed travel. This notification should be accomplished by early check-in at the carrier's check-in counter.
- (g) Any officer flying while armed should discreetly contact the flight crew prior to take-off and notify them of his/her assigned seat.
- (h) Discretion must be used to avoid alarming passengers or crew by displaying a firearm. The officer must keep the firearm concealed on his/her person at all times. Firearms are not permitted in carry-on luggage and may not be stored in an overhead compartment.
- (i) Officers should try to resolve any problems associated with flying armed through the flight captain, ground security manager, TSA representative or other management representative of the air carrier.
- (j) Officers shall not consume alcoholic beverages while aboard an aircraft, or within eight hours prior to boarding an aircraft.

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Firearms

306.10 CARRYING FIREARMS OUT OF STATE

Qualified, active, full-time officers of this department are authorized to carry a concealed firearm in all other states subject to the following conditions (18 USC § 926B):

- (a) The officer shall carry the officer's Blue Ash Police Department identification card whenever carrying such firearm.
- (b) The officer is not the subject of any current disciplinary action.
- (c) The officer may not be under the influence of alcohol or any other intoxicating or hallucinatory drug.
- (d) The officer will remain subject to this and all other department policies (including qualifying and training).

Officers are cautioned that individual states may enact local regulations that permit private persons or entities to prohibit or restrict the possession of concealed firearms on their property, or that prohibit or restrict the possession of firearms on any state or local government property, installation, building, base, or park. Federal authority may not shield an officer from arrest and prosecution in such locally restricted areas.

Active law enforcement officers from other states are subject to all requirements set forth in 18 USC § 926B.

Vehicle Pursuits

307.1 PURPOSE AND SCOPE

Vehicle pursuits expose innocent citizens, law enforcement officers and fleeing violators to the risk of serious injury or death. The primary purpose of this policy is to provide officers with guidance in balancing the safety of the public and themselves against law enforcement's duty to apprehend violators of the law. Another purpose of this policy is to minimize the potential for pursuit-related collisions. Vehicle pursuits require officers to exhibit a high degree of common sense and sound judgment. Officers must not forget that the immediate apprehension of a suspect is generally not more important than the safety of the public and pursuing officers (ORC § 2935.031).

307.1.1 PHILOSOPHY

Deciding whether to pursue a motor vehicle is a critical decision that must be made quickly and under difficult and unpredictable circumstances. In recognizing the risk to public safety created by vehicle pursuits, no officer or supervisor shall be criticized or disciplined for deciding not to engage in a vehicle pursuit due to the risk involved. This includes circumstances where Department policy would permit the initiation or continuation of the pursuit. It is recognized that vehicle pursuits are not always predictable and decisions made pursuant to this policy will be evaluated according to the totality of the circumstances reasonably available at the time of the pursuit.

Officers must remember that the most important factors to the successful conclusion of a pursuit are proper self-discipline and sound professional judgment. Officers conduct during the course of a pursuit must be objectively reasonable; that is, what a reasonable officer would do under the circumstances. An individual's unreasonable desire to apprehend a fleeing suspect at all costs has no place in professional law enforcement.

307.2 DEFINITIONS

Definitions related to this policy include:

Vehicle Pursuit - An event involving one or more peace officers attempting to apprehend a suspect who is trying to avoid arrest while operating a motor vehicle by using high speed or other evasive tactics, such as disregarding traffic warning signs, stop signs, red lights, driving off a roadway, turning suddenly or driving in a legal manner but willfully failing to yield to an officer's signal to stop.

Blocking or Vehicle Intercept - A slow-speed coordinated maneuver where two or more law enforcement vehicles simultaneously intercept and block the movement of a suspect vehicle, the driver of which may be unaware of the impending enforcement stop. The goal is containment and preventing a pursuit. Blocking is not a moving or stationary road block.

Boxing In - A tactic designed to stop a violator's vehicle by surrounding it with law enforcement vehicles and then slowing all vehicles to a stop.

Pursuit Intervention Technique (PIT) - A low-speed maneuver intended to terminate the pursuit by causing the violator's vehicle to spin out and come to a stop.

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Ramming - The deliberate act of impacting a violator's vehicle with another vehicle to functionally damage or otherwise force the violator's vehicle to stop.

Roadblocks - A tactic designed to stop a violator's vehicle by intentionally placing a vehicle or other immovable object in the path of the violator's vehicle.

Tire Deflation Device, Spikes or Tack Strips - A device that extends across the roadway and is designed to puncture the tires of the pursued vehicle.

307.3 OFFICER RESPONSIBILITIES

It is the policy of this department that a vehicle pursuit shall be conducted with at least one red or blue flashing, rotating or oscillating light, visible under normal atmospheric conditions from a distance of 500 feet to the front of, and a siren activated on an authorized emergency vehicle (ORC § 4513.21, ORC § 4511.01(D) and ORC § 4511.041).

The following policy is established to provide officers with guidelines for driving with due regard and caution for the safety of all persons using the highway.

307.3.1 WHEN TO INITIATE A PURSUIT

Officers are authorized to initiate a pursuit only when the officer is attempting to apprehend a suspect in a serious offense of violence or in a situation where the initial, observable actions of the violator or vehicle occupant, occurring before the attempted traffic stop, constitute a risk of serious physical harm to others or to the officer, and which require an immediate effort to stop the violator.

The following factors individually and collectively shall be considered in deciding whether to initiate or continue a pursuit:

- (a) The seriousness of the known or reasonably suspected crime and its relationship to community safety.
- (b) The importance of protecting the public and balancing the known or reasonably suspected offense and the apparent need for immediate capture against the risks to officers, innocent motorists and others.
- (c) The apparent nature of the fleeing suspect (e.g., whether the suspect represents a serious threat to public safety).
- (d) The identity of the suspect has been verified and there is comparatively minimal risk in allowing the suspect to be apprehended at a later time.
- (e) The safety of the public in the area of the pursuit, including the type of area, time of day, the amount of vehicular and pedestrian traffic (e.g., school zones) and the speed of the pursuit relative to these factors.
- (f) The pursuing officer's familiarity with the area of the pursuit, the quality of radio communication between the pursuing units and the dispatcher/supervisor, and the driving capabilities of the pursuing officers under the conditions of the pursuit.
- (g) The weather, traffic and road conditions that unreasonably increase the danger of the pursuit when weighed against the risks resulting from the suspect's escape.

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- (h) The performance capabilities of the vehicles used in the pursuit in relation to the speed and other conditions of the pursuit.
- (i) Vehicle speeds.
- (j) Other persons in or on the pursued vehicle (e.g., passengers, co-offenders and hostages).
- (k) The availability of other resources, such as aircraft assistance.
- (l) The police unit is carrying passengers other than on-duty police officers. Pursuits should not be undertaken with a prisoner in the pursuit vehicle unless exigent circumstances exist, and then only after the need to apprehend the suspect is weighed against the safety of the prisoner in transport. A unit containing more than a single prisoner should not participate in a pursuit.

Absent extreme, exigent circumstances, officers shall not initiate or engage in a pursuit when their vehicle is occupied by anyone who is not an on-duty police officer. This restriction applies whether or not the person has signed a waiver of liability. An officer is prohibited from participating in a vehicle pursuit when his/her police vehicle is occupied by a prisoner, suspect, complainant, or witness.

307.3.2 WHEN TO TERMINATE A PURSUIT

Pursuits should be discontinued whenever the totality of objective circumstances known or which reasonably ought to be known to the officer or supervisor during the pursuit indicates that the present risk of continuing the pursuit reasonably appears to outweigh the risk resulting from the suspect's escape.

Operating an emergency vehicle in a pursuit with emergency lights and siren does not relieve the operator of an authorized emergency vehicle of the duty to drive with due regard for the safety of all persons and does not protect the driver from the consequences of his/her reckless disregard for the safety of others (ORC § 4511.45(B)).

The above factors on when to initiate a pursuit are expressly included herein and will apply equally to the decision to discontinue as well as the decision to initiate a pursuit. Officers and supervisors must objectively and continuously weigh the seriousness of the offense against the potential danger to innocent motorists, themselves and the public when electing to continue a pursuit. In the context of this policy, the term "terminate" shall be construed to mean to discontinue or to stop chasing the fleeing vehicle.

In addition to the factors listed above, the following factors should be considered when deciding whether to terminate a pursuit:

- (a) The distance between the pursuing officers and the fleeing vehicle is so great that further pursuit would be futile or require the pursuit to continue for an unreasonable time or distance.
- (b) The pursued vehicle's location is no longer definitely known.

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- (c) The officer's pursuit vehicle sustains damage or a mechanical failure that renders it unsafe to drive.
- (d) The pursuit vehicle suffers an emergency equipment failure that causes the vehicle to no longer qualify for emergency operation use.
- (e) Extended pursuits of violators for misdemeanors not involving abuse or risk of serious harm (independent of the pursuit) are discouraged.
- (f) The hazards to uninvolved bystanders or motorists.
- (g) When the identity of the offender is known and it does not reasonably appear that the need for immediate capture outweighs the risk associated with continuing the pursuit, officers should strongly consider discontinuing the pursuit and apprehending the offender at a later time.
- (h) When directed to terminate the pursuit by a supervisor.

307.3.3 SPEED LIMITS

The speed of a pursuit is a factor that should be evaluated on a continuing basis by the officer and supervisor. Vehicle speeds shall be taken into consideration to prevent endangering public safety, officer safety and the safety of the occupants of the fleeing vehicle.

Should high vehicle speeds be reached during a pursuit, officers and supervisors shall also consider these factors when determining the reasonableness of the speed of the pursuit (ORC § 4511.24):

- (a) Pursuit speeds have become unreasonably unsafe for the surrounding conditions.
- (b) Pursuit speeds have exceeded the driving ability of the officer.
- (c) Pursuit speeds are beyond the capabilities of the pursuit vehicle, thus making its operation unsafe.

307.4 PURSUIT UNITS

Pursuit units should be limited to three vehicles (two units and a supervisor). However, the number of units involved will vary with the circumstances.

An officer or supervisor may request additional units to join a pursuit if, after assessing the factors outlined above, it appears that the number of officers involved would be insufficient to safely arrest the suspect. All other officers shall stay out of the pursuit but should remain alert to its progress and location. Any officer who drops out of a pursuit may then, if necessary, proceed to the termination point at legal speeds, following the appropriate rules of the road.

Distinctively marked patrol vehicles should replace unmarked vehicles involved in a pursuit whenever practicable.

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307.4.1 MOTORCYCLE OFFICERS

A distinctively marked patrol vehicle equipped with emergency overhead lighting should replace a police motorcycle as primary and/or secondary pursuit unit as soon as practicable.

307.4.2 UNMARKED VEHICLES WITH EMERGENCY EQUIPMENT

Unmarked police vehicles that are equipped with emergency lights and sirens are generally discouraged from initiating a pursuit. Should extenuating circumstances exist that require the driver of such a vehicle to initiate a pursuit, the unmarked vehicle must relinquish the pursuit to a marked police vehicle as soon as practicable.

307.4.3 VEHICLES WITHOUT EMERGENCY EQUIPMENT

Vehicles not equipped with a red or blue emergency light and siren are prohibited from initiating or joining in any pursuit. Officers in such vehicles may provide support to pursuing units as long as the vehicle is operated in compliance with all traffic laws (ORC § 4511.041 and ORC § 4513.21).

307.4.4 PRIMARY UNIT RESPONSIBILITIES

The initial pursuing officer will be designated as the primary pursuit unit and will be responsible for the conduct of the pursuit unless it is unable to remain reasonably close enough to the violator's vehicle. The primary responsibility of the officer initiating the pursuit is the apprehension of the suspect without unreasonable danger to him/herself or other persons.

The primary unit should notify Dispatch, commencing with a request for priority radio traffic, that a vehicle pursuit has been initiated, and as soon as practicable, provide information including, but not limited to:

- (a) The reason for the pursuit.
- (b) The location and direction of travel.
- (c) The speed of the fleeing vehicle.
- (d) The description of the fleeing vehicle and license number, if known.
- (e) The number of occupants.
- (f) The identity or description of the known occupants.
- (g) The weather, road and traffic conditions.
- (h) The identity of other agencies involved in the pursuit.
- (i) Information concerning the use of firearms, threat of force, injuries, hostages or other unusual hazards.

Unless relieved by a supervisor or secondary unit, the officer in the primary unit shall be responsible for broadcasting the progress of the pursuit. Unless circumstances reasonably indicate otherwise, the primary unit should relinquish the responsibility of broadcasting the progress of the pursuit to a secondary unit or aircraft joining the pursuit to minimize distractions and allow the primary unit to concentrate foremost on safe pursuit tactics.

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307.4.5 SECONDARY UNIT RESPONSIBILITIES

The second officer in the pursuit is responsible for:

- (a) Immediately notifying the dispatcher of his/her entry into the pursuit.
- (b) Remaining at a safe distance behind the primary unit unless directed to assume the role of primary officer, or if the primary unit is unable to continue the pursuit.
- (c) Broadcasting the progress of the pursuit unless the situation indicates otherwise.
- (d) Serving as backup to the primary unit once the subject has been stopped.

307.4.6 PURSUIT DRIVING TACTICS

The decision to use specific driving tactics requires the same assessment of considerations outlined in the factors to be considered concerning pursuit initiation and termination. The following are tactics for units involved in the pursuit:

- (a) Officers, considering their driving skills and vehicle performance capabilities, will space themselves from other involved vehicles such that they are able to see and avoid hazards or react safely to maneuvers by the fleeing vehicle.
- (b) Officers may proceed past a red or stop signal or stop sign but only after slowing down as may be necessary for safe operation (ORC § 4511.03).
- (c) Because intersections can present increased risks, the following tactics should be considered:
 - 1. Available units not directly involved in the pursuit may proceed safely to controlled intersections ahead of the pursuit in an effort to warn cross traffic.
 - 2. Pursuing units should exercise due caution when proceeding through controlled intersections.
- (d) As a general rule, officers should not pursue a vehicle driving the wrong way on a roadway, highway or freeway. In the event the pursued vehicle does so, the following tactics should be considered:
 - 1. Requesting assistance from an available air unit.
 - 2. Maintaining visual contact with the pursued vehicle by paralleling on the correct side of the roadway.
 - 3. Requesting other units to observe exits available to the suspect.
- (e) Notify the Ohio State Highway Patrol or other law enforcement agency if it appears the pursuit may enter their jurisdiction.
- (f) Officers involved in a pursuit should not attempt to pass other units unless the situation indicates otherwise or they are requested to do so by the primary unit and a clear understanding of the maneuver process exists between the involved officers.

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307.4.7 TACTICS/PROCEDURES FOR UNITS NOT INVOLVED IN THE PURSUIT

There should be no paralleling of the pursuit route. Officers are authorized to use emergency equipment at intersections along the pursuit path to clear intersections of vehicular and pedestrian traffic to protect the public. Officers should remain in their assigned area and should not become involved with the pursuit unless directed otherwise by a supervisor.

Non-pursuing personnel needed at the termination of the pursuit should respond in a non-emergency manner, observing the rules of the road.

The primary unit, secondary unit and supervisor should be the only units operating under emergency conditions (emergency lights and siren) unless other units are assigned to the pursuit.

307.4.8 PURSUIT TRAILING

In the event that the initiating unit from this agency relinquishes control of the pursuit to another unit or jurisdiction, that initiating unit may, with permission of a supervisor, trail the pursuit to the termination point in order to provide information and assistance for the arrest of the suspect.

The term "trail" means to follow the path of the pursuit at a safe speed, while obeying all traffic laws and without activating emergency equipment. If the pursuit is at a slow rate of speed, the trailing unit will maintain sufficient distance from the pursuit units to clearly indicate an absence of participation in the pursuit.

307.4.9 AIRCRAFT ASSISTANCE

When available, aircraft assistance should be requested. Once the air unit has established visual contact with the pursued vehicle, it should assume control over the pursuit. The primary and secondary ground units should consider whether the participation of an aircraft warrants their continued involvement in the pursuit.

The air unit should coordinate the activities of resources on the ground, report progress of the pursuit and provide officers and supervisors with details of upcoming traffic congestion, road hazards or other pertinent information to evaluate whether to continue the pursuit. If ground units are not within visual contact and the air unit determines that it is unsafe to continue the pursuit, the air unit should recommend terminating the pursuit.

307.5 SUPERVISORY CONTROL AND RESPONSIBILITIES

It is the policy of this department that available supervisory and management control will be exercised over all vehicle pursuits involving officers from this department.

The field supervisor of the officer initiating the pursuit, or if unavailable, the nearest field supervisor, will be responsible for the following:

- (a) Upon becoming aware of a pursuit, immediately notifying involved officers and Dispatch of supervisory presence and ascertaining all reasonably available information to continuously assess the situation and risk factors associated with the pursuit in order to ensure that the pursuit is conducted within established department guidelines.
- (b) Engaging in the pursuit, when appropriate, to provide on-scene supervision.

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- (c) Exercising management and control of the pursuit even if not engaged in it.
- (d) Ensuring that no more than the number of required law enforcement units needed are involved in the pursuit under the guidelines set forth in this policy.
- (e) Directing that the pursuit be terminated if, in the supervisor's judgment, it is not justified to continue the pursuit under the guidelines of this policy.
- (f) Ensuring that aircraft assistance is requested, if available.
- (g) Ensuring that the proper radio channel is being used.
- (h) Ensuring the notification and/or coordination of outside agencies if the pursuit either leaves or is likely to leave the jurisdiction of this agency.
- (i) Controlling and managing BAPD units when a pursuit enters another jurisdiction.
- (j) Preparing an after-action review of each pursuit for training purposes.

If feasible, a supervisor shall respond to the scene where the pursuit ends, whether or not there is an apprehension of the suspect(s). This includes if the pursuit results in a crash, the suspect flees on foot, the pursuit is stopped using intervention techniques, or if the pursuit ends for another reason.

A supervisor who initiates a pursuit must relinquish the pursuit to another officer(s) as soon as practicable and then assume a supervisory role.

307.6 COMMUNICATIONS

If the pursuit is confined within the City limits, radio communications will be conducted on the primary channel unless instructed otherwise by a supervisor or communications dispatcher. If the pursuit leaves the jurisdiction of this department or such is imminent, involved units should, whenever available, switch radio communications to an emergency channel most accessible by participating agencies and units.

307.6.1 DISPATCH RESPONSIBILITIES

Upon notification that a pursuit has been initiated, Dispatch will be responsible for:

- (a) Verifying that a supervisor has been notified of the pursuit.
- (b) Assigning an incident number and logging all pursuit activities..
- (c) Query available information and broadcast pertinent information as necessary.

The Hamilton County Communications Center will be responsible for:

- (a) Dispatching air support if available.
- (b) Implementing the Cincinnati and Hamilton County Pursuit Communications Plan, as per the attachment.

See attachment: [HCCC CPD Pursuit Communications Plan.pdf](#)

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307.6.2 LOSS OF PURSUED VEHICLE

When the pursued vehicle is lost, the primary unit should broadcast pertinent information to assist other units in locating the vehicle. The primary unit will be responsible for coordinating any further search for either the pursued vehicle or suspects fleeing on foot.

307.7 INTERJURISDICTIONAL CONSIDERATIONS

When a pursuit enters another agency's jurisdiction, the primary officer or supervisor, taking into consideration distance traveled, unfamiliarity with the area and other pertinent facts, should determine whether to request the other agency to assume the pursuit. Unless entry into another jurisdiction is expected to be brief, it is generally recommended that the primary officer or supervisor ensure that notification is provided to each outside jurisdiction into which the pursuit is reasonably expected to enter, regardless of whether such jurisdiction is expected to assist.

307.7.1 PURSUITS LEAVING THE STATE

By statute (ORC § 2935.30 and other similar state statutes), an officer has the authority to pursue outside of Ohio and arrest without a warrant provided that:

- (a) The officer would have the authority to make the arrest inside his/her jurisdiction.
- (b) The pursuit takes place without unreasonable delay after the offense.
- (c) The pursuit starts within the officer's jurisdiction.
- (d) The offense involved is a felony.

If the above criteria are not met, the officer may not pursue and may not arrest outside of Ohio.

Officers will terminate the pursuit if radio contact is lost.

307.7.2 ASSUMPTION OF PURSUIT BY ANOTHER AGENCY

Blue Ash Police Department officers will discontinue the pursuit when another agency has assumed the pursuit, unless continued assistance of the Blue Ash Police Department is requested by the agency assuming the pursuit. Upon discontinuing the pursuit, the primary unit may proceed upon request, with or at the direction of a supervisor, to the termination point to assist in the investigation.

The role and responsibilities of officers at the termination of a pursuit initiated by this department shall be coordinated with appropriate consideration of the units from the agency assuming the pursuit.

Notification of a pursuit in progress should not be construed as a request to join the pursuit. Requests to or from another agency to assume a pursuit should be specific. Because of communication limitations between local agencies, a request for another agency's assistance will mean that its personnel will assume responsibility for the pursuit. For the same reasons, when a pursuit leaves another jurisdiction and a request for assistance is made to this department, the other agency should relinquish control.

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307.7.3 PURSUITS EXTENDING INTO THIS JURISDICTION

The agency that initiates a pursuit shall be responsible for conducting the pursuit. Units from this department should not join a pursuit unless specifically requested to do so by the agency whose peace officers are in pursuit. The exception to this is when a single unit from the initiating agency is in pursuit. Under this circumstance, a unit from this department may join the pursuit until sufficient units from the initiating agency join the pursuit.

When a request is made for this department to assist or take over a pursuit from another agency that has entered this jurisdiction, the supervisor should consider these additional factors:

- (a) Ability to maintain the pursuit.
- (b) Circumstances serious enough to continue the pursuit.
- (c) Adequate staffing to continue the pursuit.
- (d) The public's safety within this jurisdiction.
- (e) Safety of the pursuing officers.

As soon as practicable, a supervisor or the Shift OIC should review a request for assistance from another agency. The Shift OIC or supervisor, after consideration of the above factors, may decline to assist in or assume the other agency's pursuit.

Assistance to a pursuing outside agency by officers of this department will terminate at the City limits provided that the pursuing peace officers have sufficient assistance from other sources. Ongoing participation from this department may continue only until sufficient assistance is present.

In the event that a pursuit from another agency terminates within this jurisdiction, officers shall provide appropriate assistance to peace officers from the outside agency including, but not limited to, scene control, coordination and completion of supplemental reports and any other assistance requested or needed.

307.8 PURSUIT INTERVENTION

Pursuit intervention is an attempt to terminate the ability of a suspect to continue to flee in a motor vehicle through tactical application of technology, tire deflation devices, blocking, boxing, PIT (Pursuit Intervention Technique), ramming or roadblock procedures.

307.8.1 WHEN USE IS AUTHORIZED

Absent exigent circumstances, use of pursuit intervention tactics should be employed only after approval of a supervisor. In deciding whether to use intervention tactics, officers/supervisors should balance the risk of allowing the pursuit to continue with the potential hazards arising from the use of each tactic to the public, the officers and persons in or on the pursued vehicle. With this in mind, the decision to use any intervention tactic should be reasonable in light of the circumstances apparent to the officer at the time of the decision.

It is imperative that officers act within legal bounds using good judgment and accepted practices.

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Pursuits, being an inherently dangerous activity, are important to end as quickly and safely as possible, either with the apprehension and arrest of the suspect or by discontinuing the pursuit. When the offense in question is so serious that it demands an immediate apprehension, force may be required. Similar to physical arrests, which at times require a reasonable and justifiable use of force, a vehicle pursuit may require vehicle force to safely end the pursuit at the time and in the location selected by an appropriately trained and certified peace officer.

307.8.2 USE OF FIREARMS

The use of firearms to disable a pursued vehicle is not generally an effective tactic and involves all the dangers associated with discharging firearms. Officers should not utilize firearms during an ongoing pursuit unless the conditions and circumstances meet the requirements authorizing the use of deadly force. Nothing in this section shall be construed to prohibit any officer from using a firearm to stop a suspect from using a vehicle as a deadly weapon.

307.8.3 INTERVENTION STANDARDS

Any intervention tactic, depending upon the conditions and circumstances under which it is used, may present dangers to the officers, the public, or anyone in or on the vehicle being pursued. Certain applications of intervention tactics may be construed to be a use of force, including deadly force, and are subject to department policies guiding such use. Officers shall consider these facts and requirements prior to deciding how, when, where, and if an intervention tactic should be employed.

- (a) Blocking or vehicle intercept should only be considered in cases involving felony suspects or impaired drivers who pose a threat to public safety, and when officers reasonably believe that attempting a conventional enforcement stop will likely result in the driver attempting to flee in the vehicle. Because of the potential risk involved, this technique should only be employed by officers who have received training in such tactics and after giving consideration to the following:
 - 1. The need to immediately stop the suspect vehicle or prevent it from leaving substantially outweighs the risk of injury or death to occupants of the suspect vehicle, officers, or other members of the public.
 - 2. All other reasonable intervention techniques have failed or reasonably appear ineffective.
 - 3. Employing the blocking maneuver does not unreasonably increase the risk to officer safety.
 - 4. The target vehicle is stopped or traveling at a low speed.
 - 5. At no time should civilian vehicles be used to deploy this technique.
- (b) Only those officers trained in the use of pursuit termination tactics and intervention techniques (e.g., PIT maneuvers, tire deflation devices, roadblocks) will be authorized to use these procedures and only then with approval of a supervisor upon consideration of the circumstances and conditions presented at the time, including the potential for injury to officers, the public, and occupants of the pursued vehicle.

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- (c) Ramming a fleeing vehicle should be done only after other reasonable tactical means at the officer's disposal have been exhausted. This tactic should be reserved for situations where there does not appear to be another reasonable alternative method. This policy is an administrative guide to direct officers in their decision-making process before ramming another vehicle. When ramming is used as a means to stop a fleeing vehicle, one or more of the following factors should be present:
 - 1. The suspect is an actual or suspected felon who reasonably appears to represent a serious threat to the public if not apprehended.
 - 2. The suspect is driving with willful or wanton disregard for the safety of other persons or is driving in a reckless and life-endangering manner.If there does not reasonably appear to be a present or immediately foreseeable serious threat to the public, the use of ramming is not authorized.
- (d) As with all intervention techniques, pursuing officers should obtain supervisor approval before attempting to box a suspect vehicle during a pursuit. The use of such a technique must be carefully coordinated with all involved units, taking into consideration the circumstances and conditions apparent at the time, as well as the potential risk of injury to officers, the public, and occupants of the pursued vehicle.
- (e) Tire deflation devices should be deployed only when it is reasonably apparent that only the pursued vehicle will be affected by their use. Prior to the deployment of spike strips, the officer shall notify pursuing units and the supervisor of the intent and location. Officers should carefully consider the limitations of such devices as well as the potential risks to officers, the public, and occupants of the pursued vehicle. If the pursued vehicle is a motorcycle, a vehicle transporting hazardous materials, or a school bus transporting children, officers and supervisors should weigh the potential consequences against the need to immediately stop the vehicle.
- (f) Because roadblocks involve a potential for serious injury or death to occupants of the pursued vehicle if the suspect does not stop, the intentional placement of roadblocks in the direct path of a pursued vehicle is generally discouraged and should not be deployed without prior approval of a supervisor, and only then under extraordinary conditions when all other reasonable intervention techniques have failed or reasonably appear ineffective and the need to immediately stop the pursued vehicle substantially outweighs the risk of injury or death to occupants of the pursued vehicle, officers, or other members of the public.

307.8.4 CAPTURE OF SUSPECTS

Proper self-discipline and sound professional judgment are the keys to a successful conclusion of a pursuit and apprehension of evading suspects. Officers shall use only that amount of force that reasonably appears necessary under the circumstances to properly perform their lawful duties.

Unless relieved by a supervisor, the primary officer should coordinate efforts to apprehend the suspect following the pursuit. Officers should consider safety of the public and the involved officers when formulating plans to contain and capture the suspect.

307.9 REPORTING AND REVIEW REQUIREMENTS

All appropriate reports shall be completed to comply with local and state regulations.

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- (a) The primary officer shall complete appropriate crime/arrest reports.
- (b) The primary officer or supervisor shall complete the appropriate pursuit report.
- (c) After first obtaining available information, the on-duty field supervisor shall promptly complete a Supervisor's Log or interoffice memorandum, briefly summarizing the pursuit to the Chief of Police or the authorized designee. This memo should minimally contain the following information:
 - 1. Date and time of pursuit.
 - 2. Length of pursuit in distance and time.
 - 3. Involved units and officers.
 - 4. Initial reason and circumstances surrounding the pursuit.
 - 5. Starting and termination points.
 - 6. Alleged offense, charges filed, or disposition: arrest, citation, or other release.
 - 7. Arrestee information should be provided if applicable.
 - 8. Injuries and/or property damage.
 - 9. Medical treatment.
 - 10. The outcome of the pursuit.
 - 11. Name of supervisor handling or at the scene.
 - 12. A preliminary determination that the pursuit appears to be in compliance with this policy or that additional review and/or follow-up is warranted.
- (d) After receiving copies of reports, logs, and other pertinent information, the Chief of Police or the authorized designee shall conduct or assign the completion of an administrative after-action review of each pursuit as appropriate to the circumstances.
- (e) Annually, the Chief of Police shall direct a documented analysis of department vehicle pursuit reports, to minimally include a review of policy and reporting procedures, policy suitability, policy compliance, and training needs. The Chief of Police shall approve the documented vehicle pursuit reports analysis.

307.9.1 REGULAR AND PERIODIC PURSUIT TRAINING

In addition to initial and supplementary training on pursuits, all sworn employees will participate, no less than annually, in regular and periodic training addressing this policy and the importance of vehicle safety and protecting the public at all times. Training will include a recognition of the need to balance the known offense and the need for immediate capture against the risks to officers and others.

307.9.2 POLICY ACKNOWLEDGEMENT

Applicable members of this department shall annually and upon any amendments certify in writing that they have received, read, and understand this policy (ORC § 2935.031).

Officer Response to Calls

308.1 PURPOSE AND SCOPE

This policy provides officers with guidelines for the safe and appropriate vehicular response to emergency and non-emergency incidents or requests for assistance, whether these are dispatched or self-initiated.

308.2 RESPONSE TO CALLS

Officers responding to an emergency call shall proceed immediately. Officers responding to an emergency call shall continuously operate emergency lighting equipment and shall sound the siren (ORC § 4511.041).

Responding with emergency lights and siren does not relieve the operator of an authorized emergency vehicle of the duty to drive with due regard for the safety of all persons and does not protect the driver from the consequences of the driver's reckless disregard for the safety of others (ORC § 4511.041; ORC § 4511.45; ORC § 4511.452). The use of any other warning equipment without emergency lights and siren does not provide any exemption from the Ohio motor vehicle laws.

Officers should only respond as an emergency call response when so dispatched or when circumstances reasonably indicate an emergency response is required. Officers not responding as an emergency call response shall observe all traffic laws and proceed without the use of emergency lights and siren.

308.3 REQUESTING EMERGENCY ASSISTANCE

Requests for emergency assistance should be limited to those situations where the involved personnel reasonably believe there is an imminent threat to the safety of officers, or assistance is needed to prevent imminent serious harm to a citizen. Where a situation has stabilized and emergency response is not required, the requesting officer shall promptly notify Dispatch.

If circumstances permit, the requesting officer should give the following information:

- The unit number
- The location
- The reason for the request and type of emergency
- The number of units required

308.3.1 NUMBER OF UNITS PARTICIPATING

Normally, only those units reasonably necessary should respond to an emergency as an emergency call response. The Shift OIC should monitor all emergency responses and reduce or enhance the response as warranted.

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308.4 RESPONSIBILITIES OF RESPONDING OFFICER

Officers shall exercise sound judgment and care with due regard for life and property when responding to an emergency call. During a response to an emergency call officers may (ORC § 4511.041):

- (a) Proceed past a red or stop signal or stop sign but only after slowing down as may be necessary for safe operation (ORC § 4511.03).
- (b) Exceed any speed limits, provided this does not endanger life or property (ORC § 4511.24).
- (c) Disregard regulations governing direction of movement or turning in specified directions (ORC § 4511.37).
- (d) Disregard regulations governing parking or standing when using a warning lamp.

Continuing an emergency call response is at the discretion of the officer. If, in the officer's judgment, the roadway conditions or traffic congestion does not permit such a response without unreasonable risk, the officer may elect to respond to the call without the use of red lights and siren at the legal speed limit. In such an event, the officer should immediately notify Dispatch. An officer shall also discontinue an emergency call response when directed by a supervisor or as otherwise appropriate.

Upon determining that an emergency call response is appropriate, an officer shall immediately give the location from which he/she is responding.

308.5 EMERGENCY EQUIPMENT

Vehicles not equipped with emergency lights and siren are prohibited from initiating or joining in an emergency response. Officers in such vehicles may provide support to an emergency response as long as the vehicles are operated in compliance with all traffic laws. Those officers should terminate their involvement in any emergency response immediately upon arrival of a sufficient number of emergency law enforcement vehicles.

If the emergency equipment on the vehicle should fail to operate, the officer must terminate the emergency call response and respond accordingly. The officer shall notify the Shift OIC, field supervisor, or Dispatch of the equipment failure so that another unit may be assigned to the emergency response.

308.6 POLICY

It is the policy of this department to appropriately respond to emergency and non-emergency calls for service or requests for assistance, whether these are dispatched or self-initiated.

Canines

309.1 PURPOSE AND SCOPE

This policy establishes guidelines for the use of canines to augment law enforcement services in the community including, but not limited to, locating individuals and contraband and apprehending criminal offenders.

309.1.1 DEFINITIONS

Definitions related to this policy include:

Canine - A dog that has been trained and may be used to assist one or more law enforcement officers in the performance of their official duties. When used in this Policy Manual, “canine” refers to a police dog (ORC § 955.11; ORC § 2921.321).

309.2 POLICY

It is the policy of the Blue Ash Police Department that teams of handlers and canines meet and maintain the appropriate proficiency to effectively and reasonably carry out legitimate law enforcement objectives.

309.3 ASSIGNMENT

Canine teams should be assigned to assist and supplement the Operations Bureau to function primarily in assist or cover assignments. However, they may be assigned by the Shift OIC to other functions, such as routine calls for service, based on the current operational needs.

Canine teams should generally not be assigned to handle routine matters that will take them out of service for extended periods of time. If such assignment is necessary, it should only be made with the approval of the Shift OIC.

309.3.1 LAW ENFORCEMENT CANINE REGISTRATION

All canines utilized by the Department shall be registered with the county auditor pursuant to the requirements of ORC § 955.012. Canine registrations must be signed by the Chief of Police (ORC § 955.012).

309.4 CANINE COORDINATOR

The canine coordinator shall be appointed by and directly responsible to the Operations Bureau Commander or the authorized designee.

The responsibilities of the coordinator include but are not limited to:

- (a) Reviewing all canine use reports to ensure compliance with policy and to identify training issues and other needs of the program.
- (b) Maintaining a liaison with the vendor kennel.
- (c) Maintaining a liaison with command staff and functional supervisors.
- (d) Maintaining a liaison with other agency canine coordinators.

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- (e) Maintaining accurate records to document canine activities.
- (f) Recommending and overseeing the procurement of equipment and services for the teams of handlers and canines.
- (g) Scheduling all canine-related activities.
- (h) Ensuring the canine teams are scheduled for regular training to maximize their capabilities.

309.5 REQUESTS FOR CANINE TEAMS

Operations Bureau members are encouraged to request the use of a canine. Requests for a canine team from department units outside of the Operations Bureau shall be reviewed by the Shift OIC.

309.5.1 OUTSIDE AGENCY REQUEST

All requests for canine assistance from outside agencies must be approved by the Shift OIC and are subject to the following:

- (a) Canine teams shall not be used for any assignment that is not consistent with this policy.
- (b) The canine handler shall have the authority to decline a request for any specific assignment that he/she deems unsuitable.
- (c) It shall be the responsibility of the canine handler to coordinate operations with agency personnel in order to minimize the risk of unintended injury.
- (d) It shall be the responsibility of the canine handler to complete all necessary reports or as directed.

309.5.2 PUBLIC DEMONSTRATION

All public requests for a canine team shall be reviewed and, if appropriate, approved by the canine coordinator prior to making any resource commitment. The canine coordinator is responsible for obtaining resources and coordinating involvement in the demonstration to include proper safety protocols. Canine handlers shall not demonstrate any apprehension work unless authorized to do so by the canine coordinator.

309.6 APPREHENSION GUIDELINES

A canine may be used to locate and apprehend a suspect if the canine handler reasonably believes that the individual has committed, is committing, or is threatening to commit any serious offense and if any of the following conditions exist:

- (a) There is a reasonable belief the suspect poses an imminent threat of violence or serious harm to the public, any officer, or the handler.
- (b) The suspect is physically resisting or threatening to resist arrest and the use of a canine reasonably appears to be necessary to overcome such resistance.
- (c) The suspect is believed to be concealed in an area where entry by other than the canine would pose a threat to the safety of officers or the public.

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It is recognized that situations may arise that do not fall within the provisions set forth in this policy. Such events require consideration of the totality of the circumstances and the use of an objective reasonableness standard applied to the decision to use a canine.

Absent a reasonable belief that a suspect has committed, is committing, or is threatening to commit a serious offense, mere flight from a pursuing officer, without any of the above conditions, shall not serve as the basis for the use of a canine to apprehend a suspect.

Use of a canine to locate and apprehend a suspect wanted for a lesser criminal offense than those identified above requires approval from the Shift OIC. Absent a change in circumstances that presents an imminent threat to officers, the canine, or the public, such canine use should be conducted on-leash or under conditions that minimize the likelihood the canine will bite or otherwise injure the individual.

In all applications, once the suspect has been located and no longer reasonably appears to present a threat or risk of escape, the handler should secure the canine as soon as it becomes reasonably practicable.

If the canine has apprehended the suspect with a secure bite, and the handler believes that the suspect no longer poses a threat, the handler should promptly command the canine to release the suspect.

309.6.1 PREPARATION FOR DEPLOYMENT

Prior to the use of a canine to search for or apprehend any suspect, the canine handler and/or the supervisor on-scene should carefully consider all pertinent information reasonably available at the time. The information should include but is not limited to:

- (a) The nature and seriousness of the suspected offense.
- (b) Whether violence or weapons were used or are anticipated.
- (c) The degree of resistance or threatened resistance, if any, the suspect has shown.
- (d) The suspect's known or perceived age.
- (e) The potential for injury to officers or the public caused by the suspect if the canine is not utilized.
- (f) Any potential danger to the public and/or other officers at the scene if the canine is released.
- (g) The potential for the suspect to escape or flee if the canine is not utilized.

As circumstances permit, the canine handler should make every reasonable effort to communicate and coordinate with other involved members to minimize the risk of unintended injury.

It is the canine handler's responsibility to evaluate each situation and determine whether the use of a canine is appropriate and reasonable. The canine handler shall have the authority to decline the use of the canine whenever he/she deems deployment is unsuitable.

A supervisor who is sufficiently apprised of the situation may prohibit deploying the canine.

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Unless otherwise directed by a supervisor, assisting members should take direction from the handler in order to minimize interference with the canine.

309.6.2 WARNINGS AND ANNOUNCEMENTS

Unless it would increase the risk of injury or escape, a clearly audible warning announcing that a canine will be used if the suspect does not surrender should be made prior to releasing a canine. The handler should allow a reasonable time for a suspect to surrender and should quiet the canine momentarily to listen for any verbal response to the warning. If feasible, other members should be in a location opposite the warning to verify that the announcement could be heard. If available, warnings given in other languages should be used as necessary.

If a warning is not to be given, the canine handler, when practicable, should first advise the supervisor of his/her decision before releasing the canine. In the event of an apprehension, the handler shall document in any related report how the warning was given and, if none was given, the reasons why.

309.6.3 REPORTING DEPLOYMENTS, BITES, AND INJURIES

Handlers should document canine deployments in a canine use report. Whenever a canine deployment results in a bite or causes injury to an intended suspect, a supervisor should be promptly notified and the injuries documented in the canine use report. The injured person shall be promptly treated by Emergency Medical Services personnel and, if appropriate, transported to an appropriate medical facility for further treatment. The deployment and injuries should also be included in any related incident or arrest report.

Any unintended bite or injury caused by a canine, whether on- or off-duty, shall be promptly reported to the canine coordinator. Unintended bites or injuries caused by a canine should be documented in an administrative report, not in a canine use report.

If an individual alleges an injury, either visible or not visible, a supervisor shall be notified and both the individual's injured and uninjured areas shall be photographed as soon as practicable after first tending to the immediate needs of the injured party. Photographs shall be retained as evidence in accordance with current department evidence procedures. The photographs shall be retained until the criminal proceeding is completed and the time for any related civil proceeding has expired.

Law enforcement canines are generally exempt from impoundment and reporting requirements. If the canine begins exhibiting any abnormal behavior, the canine shall be made available, upon request, to the board of health for the district in which the bite occurred (ORC § 955.261).

309.7 NON-APPREHENSION GUIDELINES

Properly trained canines may be used to track or search for non-criminals (e.g., lost children, individuals who may be disoriented or in need of medical attention). The canine handler is responsible for determining the canine's suitability for such assignments based on the conditions and the particular abilities of the canine. When the canine is deployed in a search or other non-apprehension operation, the following guidelines apply:

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- (a) Absent a change in circumstances that presents an imminent threat to officers, the canine, or the public, such applications should be conducted on-leash or under conditions that minimize the likelihood the canine will bite or otherwise injure the individual, if located.
- (b) Unless otherwise directed by a supervisor, assisting members should take direction from the handler in order to minimize interference with the canine.
- (c) Throughout the deployment, the handler should periodically give verbal assurances that the canine will not bite or hurt the individual and encourage the individual to make him/herself known.
- (d) Once the individual has been located, the handler should place the canine in a down-stay or otherwise secure it as soon as reasonably practicable.

309.7.1 ARTICLE DETECTION

A canine trained to find objects or property related to a person or crime may be used to locate or identify articles. A canine search should be conducted in a manner that minimizes the likelihood of unintended bites or injuries.

309.7.2 NARCOTICS DETECTION

A canine trained in narcotics detection may be used in accordance with current law and under certain circumstances, including:

- (a) The search of vehicles, buildings, bags, and other articles.
- (b) Assisting in the search for narcotics during a search warrant service.
- (c) Obtaining a search warrant by using the narcotics-detection trained canine in support of probable cause.

A narcotics-detection trained canine will not be used to search a person for narcotics unless the canine is trained to passively indicate the presence of narcotics.

309.7.3 BOMB/EXPLOSIVE DETECTION

Because of the high risk of danger to the public and officers when a bomb or other explosive device is suspected, the use of a canine team trained in explosive detection may be considered. When available, an explosive-detection canine team may be used in accordance with current law and under certain circumstances, including:

- (a) Assisting in the search of a building, structure, area, vehicle, or article where an actual or suspected explosive device has been reported or located.
- (b) Assisting with searches at transportation facilities and vehicles (e.g., buses, airplanes, trains).
- (c) Preventive searches at special events, VIP visits, official buildings, and other restricted areas. Searches of individuals should remain minimally intrusive and shall be strictly limited to the purpose of detecting explosives.
- (d) Assisting in the search of scenes where an explosion has occurred and an explosive device or secondary explosive device is suspected.

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At no time will an explosive-detection trained canine be used to render a suspected device safe or clear.

309.8 HANDLER SELECTION

The minimum qualifications for the assignment of canine handler include:

- (a) An officer who is currently off probation.
- (b) Residing in an adequately fenced single-family residence (minimum 4-foot-high fence with locking gates).
- (c) A garage that can be secured and can accommodate a canine vehicle.
- (d) Living within 30 minutes travel time from the Blue Ash City limits.
- (e) Agreeing to be assigned to the position for a minimum of five years.

309.9 HANDLER RESPONSIBILITIES

The canine handler shall ultimately be responsible for the health and welfare of the canine and shall ensure that the canine receives proper nutrition, grooming, training, medical care, affection, and living conditions.

The canine handler will be responsible for the following:

- (a) Except as required during appropriate deployment, the handler shall not expose the canine to any foreseeable and unreasonable risk of harm.
- (b) The handler shall maintain all department equipment under his/her control in a clean and serviceable condition.
- (c) When a handler is off-duty for an extended number of days, the assigned canine vehicle should be stored at the Blue Ash Police Department facility.
- (d) Handlers shall permit the canine coordinator to conduct spontaneous on-site inspections of affected areas of their homes as well as their canine vehicles to verify that conditions and equipment conform to this policy.
- (e) Any changes in the living status of the handler that may affect the lodging or environment of the canine shall be reported to the canine coordinator as soon as possible.
- (f) When off-duty, the canine shall be in a kennel provided by the City at the home of the handler. When a canine is kenneled at the handler's home, the gate shall be secured with a lock. When off-duty, the canine may be let out of the kennel while under the direct control of the handler.
- (g) The canine should be permitted to socialize in the home with the handler's family for short periods of time and under the direct supervision of the handler.
- (h) Under no circumstances will the canine be lodged at another location unless approved by the canine coordinator or Shift OIC.
- (i) When off-duty, the handler shall not involve the canine in any law enforcement activity or official conduct unless approved in advance by the canine coordinator or Shift OIC.

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- (j) Whenever a canine handler is off-duty for an extended number of days, it may be necessary to temporarily relocate the canine. In those situations, the handler shall give reasonable notice to the canine coordinator so that appropriate arrangements can be made.

309.9.1 CANINE IN PUBLIC AREAS

The canine should be kept on a leash when in areas that allow access to the public. Exceptions to this rule would include specific law enforcement operations for which the canine is trained.

- (a) A canine shall not be left unattended in any area to which the public may have access.
- (b) When the canine vehicle is left unattended, all windows and doors shall be secured in such a manner as to prevent unauthorized access to the canine. The handler shall also ensure that the unattended vehicle remains inhabitable for the canine.

309.10 CANINE INJURY AND MEDICAL CARE

In the event that a canine is injured, or there is an indication that the canine is not in good physical condition, the injury or condition will be reported to the canine coordinator or Shift OIC as soon as practicable and appropriately documented.

All medical attention shall be rendered by the designated canine veterinarian, except during an emergency where treatment should be obtained from the nearest available veterinarian. All records of medical treatment shall be maintained in the handler's personnel file.

309.10.1 DISPOSITION OF SERVICE CANINE

If a canine becomes injured in the line of duty, becomes disabled and is unfit for duty, or grows too old to be fit for duty, the officer to whom the canine is assigned may purchase the animal (ORC § 9.62).

If the assigned handler chooses not to purchase the animal, the disposition of the canine shall be conducted pursuant to Department or City policy, ordinance or state law.

309.11 TRAINING

Before assignment in the field, each canine team shall be trained and certified to meet current Ohio Peace Officer Training Commission (OPOTC)-recognized standards or other recognized and approved certification standards. Cross-trained canine teams or those canine teams trained exclusively for the detection of narcotics and/or explosives also shall be trained and certified to meet OPOTC-recognized standards or other recognized and approved certification standards established for their particular skills (OAC § 109:2-7-01 et seq.).

The canine coordinator shall be responsible for scheduling periodic training for all department members in order to familiarize them with how to conduct themselves in the presence of department canines. Because canines may be exposed to dangerous substances such as opioids, as resources are available, the canine coordinator should also schedule periodic training for the canine handlers about the risks of exposure and treatment for it.

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All canine training shall be conducted while on-duty unless otherwise approved by the canine coordinator or Shift OIC.

309.11.1 CONTINUED TRAINING

Each canine team shall thereafter be recertified to a current nationally recognized standard or other recognized and approved certification standards on an annual basis (OAC § 109:2-7-05). Additional training considerations are as follows:

- (a) Canine teams should receive training as defined in the current contract with the Blue Ash Police Department canine training provider.
- (b) Canine handlers are encouraged to engage in additional training with approval of the canine coordinator.
- (c) To ensure that all training is consistent, no handler, trainer, or outside vendor is authorized to train to a standard that is not reviewed and approved by the Department.

309.11.2 FAILURE TO SUCCESSFULLY COMPLETE TRAINING

Any canine team failing to graduate or obtain certification shall not be deployed in the field for tasks the team is not certified to perform until graduation or certification is achieved. When reasonably practicable, pending successful certification, the canine handler shall be temporarily reassigned to regular patrol duties.

309.11.3 TRAINING RECORDS

All canine training records shall be maintained in the canine handler's and the canine's training file.

309.11.4 TRAINING AIDS

Training aids are required to effectively train and maintain the skills of canines. Officers possessing, using, or transporting controlled substances or explosives for canine training purposes must comply with federal and state requirements. Alternatively, the Blue Ash Police Department may work with outside trainers with the applicable licenses or permits.

309.11.5 CONTROLLED SUBSTANCE TRAINING AIDS

Officers acting in the performance of their official duties may possess or transfer controlled substances for the purpose of narcotics-detection canine training in compliance with state and federal laws and in compliance with applicable state requirements (21 USC § 823(f); ORC § 3719.14).

The Chief of Police or the authorized designee may authorize a member to seek a court order to allow controlled substances seized by the Blue Ash Police Department to be possessed by the member or a narcotics-detection canine trainer who is working under the direction of this department for training purposes, provided the controlled substances are no longer needed as criminal evidence.

As an alternative, the Chief of Police or the authorized designee may request narcotics training aids from the Drug Enforcement Administration (DEA).

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These procedures are not required if the canine handler uses commercially available synthetic substances that are not controlled narcotics.

309.11.6 CONTROLLED SUBSTANCE PROCEDURES

Due to the responsibilities and liabilities involved with possessing readily usable amounts of controlled substances and the ever-present danger of the canine's accidental ingestion of these controlled substances, the following procedures shall be strictly followed:

- (a) All controlled substance training samples shall be weighed and tested prior to dispensing to the individual canine handler or trainer.
- (b) The weight and test results shall be recorded and maintained by this department.
- (c) Any person possessing controlled substance training samples pursuant to court order or DEA registration shall maintain custody and control of the controlled substances and shall keep records regarding any loss of, or damage to, those controlled substances.
- (d) All controlled substance training samples will be inspected, weighed, and tested quarterly. The results of the quarterly testing shall be recorded and maintained by the canine coordinator with a copy forwarded to the dispensing agency.
- (e) All controlled substance training samples will be stored in locked, airtight, and watertight cases at all times, except during training. The locked cases shall be secured in the trunk of the canine handler's assigned patrol vehicle during transport and stored in an appropriate locked container. There are no exceptions to this procedure.
- (f) The canine coordinator shall periodically inspect every controlled substance training sample for damage or tampering and take any appropriate action.
- (g) Any unusable controlled substance training samples shall be returned to the Property Unit or to the dispensing agency.
- (h) All controlled substance training samples shall be returned to the dispensing agency upon the conclusion of the training or upon demand by the dispensing agency.

309.11.7 EXPLOSIVE TRAINING AIDS

Officers may possess, transport, store, or use explosives or destructive devices in compliance with state and federal laws (18 USC § 842; 27 CFR 555.41; ORC § 2923.17).

Explosive training aids designed specifically for canine teams should be used whenever feasible. Due to the safety concerns in the handling and transportation of explosives, inert or non-hazardous training aids should be employed whenever feasible. The use of explosives or destructive devices for training aids by canine teams is subject to the following:

- (a) All explosive training aids, when not in use, shall be properly stored in a secure facility appropriate for the type of materials.
- (b) An inventory ledger shall be maintained to document the type and quantity of explosive training aids that are stored.
- (c) The canine coordinator shall be responsible for verifying the explosive training aids on hand against the inventory ledger once each quarter.

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- (d) Only members of the canine team shall have access to the explosive training aids storage facility.
- (e) A primary and secondary custodian will be designated to minimize the possibility of loss of explosive training aids during and after the training. Generally, the handler will be designated as the primary custodian while the trainer or authorized second person on-scene will be designated as the secondary custodian.
- (f) Any lost or damaged explosive training aids shall be promptly reported to the canine coordinator, who will determine if any further action will be necessary. Any loss of explosives will be reported to the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF).

Domestic Violence

310.1 PURPOSE AND SCOPE

The purpose of this policy is to provide the guidelines necessary to deter, prevent and reduce domestic violence through vigorous enforcement and to address domestic violence as a serious crime against society. The policy specifically addresses the commitment of this department to take enforcement action when appropriate, to provide assistance to victims and to guide officers in the investigation of domestic violence.

310.1.1 DEFINITIONS

Definitions related to this policy include:

Court order - All forms of orders related to domestic violence, that have been issued by a court of this state or another, whether civil or criminal, regardless of whether service has been made.

310.2 POLICY

The Blue Ash Police Department's response to incidents of domestic violence and violations of related court orders shall stress enforcement of the law to protect the victim and shall communicate the philosophy that domestic violence is criminal behavior. It is also the policy of this department to facilitate victims' and offenders' access to appropriate civil remedies and community resources whenever feasible.

310.3 OFFICER SAFETY

The investigation of domestic violence cases often places officers in emotionally charged and sometimes highly dangerous environments. No provision of this policy is intended to supersede the responsibility of all officers to exercise due caution and reasonable care in providing for the safety of any officers and parties involved.

310.4 INVESTIGATIONS

The following guidelines should be followed by officers when investigating domestic violence cases:

- (a) Calls of reported, threatened, imminent, or ongoing domestic violence and the violation of any court order are of extreme importance and should be considered among the highest response priorities. This includes incomplete 9-1-1 calls.
- (b) When practicable, officers should obtain and document statements from the victim, the suspect, and any witnesses, including children, in or around the household or location of occurrence.
- (c) Officers should list the full name and date of birth (and school if available) of each child who was present in the household at the time of the offense. The names of other children who may not have been in the house at that particular time should also be obtained for follow-up.
- (d) When practicable and legally permitted, video or audio record all significant statements and observations.

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- (e) All injuries should be photographed, regardless of severity, taking care to preserve the victim's personal privacy. Where practicable, photographs should be taken by a person of the same sex. Victims whose injuries are not visible at the time of the incident should be asked to contact the Detective Section in the event that the injuries later become visible.
- (f) Officers should request that the victim complete and sign an authorization for release of medical records related to the incident when applicable.
- (g) If the suspect is no longer at the scene, officers should make reasonable efforts to locate the suspect to further the investigation, provide the suspect with an opportunity to make a statement, and make an arrest or seek an arrest warrant if appropriate.
- (h) Seize any firearms or other dangerous weapons in the home, if appropriate and legally permitted, for safekeeping or as evidence.
- (i) When completing an incident or arrest report for violation of a court order, officers should include specific information that establishes that the offender has been served, including the date the offender was served, the name of the agency that served the order, and the provision of the order that the subject is alleged to have violated. When reasonably available, the arresting officer should attach a copy of the order to the incident or arrest report.
- (j) Officers should take appropriate enforcement action when there is probable cause to believe an offense has occurred. Factors that should not be used as sole justification for declining to take enforcement action include:
 - 1. Whether the suspect lives on the premises with the victim.
 - 2. Claims by the suspect that the victim provoked or perpetuated the violence.
 - 3. The potential financial or child custody consequences of arrest.
 - 4. The physical or emotional state of either party.
 - 5. Use of drugs or alcohol by either party.
 - 6. Denial that the abuse occurred where evidence indicates otherwise.
 - 7. A request by the victim not to arrest the suspect.
 - 8. Location of the incident (public/private).
 - 9. Speculation that the complainant may not follow through with the prosecution.
 - 10. Actual or perceived characteristics such as race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, economic status, age, cultural group, disability, or marital status of the victim or suspect.
 - 11. The social status, community status, or professional position of the victim or suspect.

310.4.1 IF A SUSPECT IS ARRESTED

If a suspect is arrested, officers should:

- (a) Advise the victim that there is no guarantee the suspect will remain in custody.

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- (b) Provide the victim's contact information to the jail staff to enable notification of the victim upon the suspect's release from jail.
- (c) Advise the victim whether any type of court order will be in effect when the suspect is released from jail.

310.4.2 IF NO ARREST IS MADE

If no arrest is made, the officer should:

- (a) Advise the parties of any options, including but not limited to:
 - 1. Voluntary separation of the parties.
 - 2. Appropriate resource referrals (e.g., counselors, friends, relatives, shelter homes, victim witness unit).
- (b) Document the resolution in a report.

310.5 VICTIM ASSISTANCE

Victims may be traumatized or confused. Officers should:

- (a) Recognize that a victim's behavior and actions may be affected.
- (b) Provide the victim with the department's domestic violence information handout, even if the incident may not rise to the level of a crime.
- (c) Alert the victim to any available victim advocates, shelters and community resources.
- (d) Stand by for a reasonable amount of time when an involved person requests law enforcement assistance while removing essential items of personal property.
- (e) Seek medical assistance as soon as practicable for the victim if he/she has sustained injury or complains of pain.
- (f) Ask the victim whether he/she has a safe place to stay. Assist in arranging to transport the victim to an alternate shelter if the victim expresses a concern for his/her safety or if the officer determines that a need exists.
- (g) Make reasonable efforts to ensure that children or dependent adults who are under the supervision of the suspect or victim are being properly cared for.
- (h) Seek or assist the victim in obtaining an emergency order if appropriate.

Victims of domestic violence in Hamilton County are served by DVERT™ (Domestic Violence Enhanced Response Team), which is coordinated by Women Helping Women. DVERT™ is a trauma focused crisis response team that provides an on-call, on-scene response to domestic violence survivors to avert gender-based violence and to prevent children from growing up in violent homes. DVERT™ provides on-scene safety planning, access to resources, empowerment, and engagement in on-going support services.

Officers investigating a domestic violence offense shall request DVERT™ to assist the victim. DVERT™ may be requested by radio or telephone through the Hamilton County Communications Center. Once a DVERT™ member arrives on-scene, an officer shall remain with the victim and

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DVERT™ member until the consultation is complete. Alternatively and upon agreement by the victim and DVERT™ member, the consultation may be conducted at the police station. In this case, the officer is not required to remain with the victim and DVERT™ member.

DVERT™ is also available to assist individuals involved in domestic dispute incidents, even if a crime has not yet occurred. Officers are not required to request DVERT™ in these situations; however, it is available as a resource. Officers will follow the same procedure for dispatch and consultation as in the preceding paragraph.

310.6 DISPATCH ASSISTANCE

All calls of domestic violence, including incomplete 9-1-1 calls, should be dispatched as soon as practicable.

Dispatchers are not required to verify the validity of a court order before responding to a request for assistance. Officers should request that dispatchers check whether any of the involved persons are subject to the terms of a court order.

310.7 FOREIGN COURT ORDERS

Various types of orders may be issued in domestic violence cases. Any foreign court order properly issued by a court of another state, Indian tribe or territory shall be enforced by officers as if it were the order of a court in this state. An order should be considered properly issued when it reasonably appears that the issuing court has jurisdiction over the parties and reasonable notice and opportunity to respond was given to the party against whom the order was issued (18 USC § 2265). An otherwise valid out-of-state court order shall be enforced, regardless of whether the order has been properly registered with this state.

310.8 VERIFICATION OF COURT ORDERS

Determining the validity of a court order, particularly an order from another jurisdiction, can be challenging. Therefore, in determining whether there is probable cause to make an arrest for a violation of any court order, officers should carefully review the actual order when available, and, where appropriate and practicable:

- (a) Ask the subject of the order about his/her notice or receipt of the order, his/her knowledge of its terms and efforts to respond to the order.
- (b) Check available records or databases that may show the status or conditions of the order.
- (c) Contact the issuing court to verify the validity of the order.
- (d) Contact a law enforcement official from the jurisdiction where the order was issued to verify information.

Officers should document in an appropriate report their efforts to verify the validity of an order, regardless of whether an arrest is made. Officers should contact a supervisor for clarification when needed.

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310.9 LEGAL MANDATES AND RELEVANT LAWS

Ohio law provides for the following:

310.9.1 STANDARDS FOR ARRESTS

Officers investigating a domestic violence report should consider the following:

- (a) An officer who has reasonable grounds to believe that a person has committed the offense of domestic violence or a violation of a protection order should arrest and detain the person (ORC § 2935.03(B)(1); ORC § 2935.032). Any decision to not arrest when there is reasonable cause to do so requires supervisor approval.
- (b) If the domestic violence event constitutes a felony assault, officers shall make an arrest (ORC §2935.032).
- (c) In the event two persons may be arrested for an act of domestic violence against each other or for violating a protection order against each other, the officer should only arrest and detain the primary physical aggressor. In determining which adult is the primary physical aggressor, an officer, in addition to any other relevant circumstances, should consider (ORC § 2935.03 (B)(3)):
 - 1. Any history of domestic violence or of any other violent acts by either person involved in the alleged offense that the officer reasonably can ascertain.
 - 2. If violence is alleged, whether the alleged violence was caused by a person acting in self-defense.
 - 3. Each person's fear of physical harm, if any, resulting from the other person's threatened use of force or his/her use or history of the use of force against any person, and the reasonableness of that fear.
 - 4. The comparative severity of any injuries suffered by the persons involved in the alleged offense.
- (d) In the event two persons may be arrested for an act of domestic violence against each other or for violating a protection order against each other, and the officer cannot determine a primary physical aggressor, the officer should apply sound judgment when deciding whether to make an arrest. The officer should contact a supervisor for guidance as appropriate.
- (e) An officer shall not consider as a factor any possible shortage of cell space in deciding to make an arrest for domestic violence or a violation of a court order (ORC § 2935.03).

310.9.2 REPORTS AND RECORDS

- (a) If a suspect is not present but would otherwise be arrested, an affidavit and complaint shall be forwarded to the Clerk of Court so an arrest warrant can be obtained (ORC § 2935.03 (B)(3)).

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- (b) Officers who investigate an allegation of domestic violence or violation of a court order, but do not make an arrest or seek a warrant, shall clearly articulate in the appropriate report the reasons for not arresting or pursuing a warrant (ORC § 2935.03(B)(3); ORC § 2935.032).
- (c) If the alleged offender has been granted pretrial release from custody on a prior charge of the offense of domestic violence or the offense of violating a protection order, and has violated one or more conditions of that pretrial release, investigating officers shall document the facts and circumstances of the violation in the related reports (ORC § 2935.032 (A)(2)).
- (d) Officers investigating an offense of domestic violence or the offense of violating a protection order shall include in a written report (ORC § 2935.032):
 - 1. The fact that separate interviews with the victim and the alleged offender were conducted in separate locations, and identify the locations.
 - 2. Any statements from the victim that indicate the frequency and severity of any prior incidents of physical abuse of the victim by the alleged offender, the number of times the victim has called peace officers for assistance, and the disposition of those calls, if known.
 - 3. Observations of the victim and the alleged offender.
 - 4. Any visible injuries on the victim or the alleged offender.
 - 5. Any weapons at the scene, and the actions of the alleged offender.
 - 6. Any statements made by the victim or witnesses.
 - 7. Any other significant facts or circumstances.
- (e) Supervisors tasked with reviewing domestic violence reports shall consider referring cases to federal authorities for possible violations of 18 USC § 2261 (Interstate Domestic Violence) and should do so when appropriate (ORC § 2935.032 (G)).
- (f) The Records Unit shall ensure domestic violence reporting is made to the Ohio Attorney General in compliance with ORC § 3113.32.

310.9.3 COURT ORDERS INDEX

The Dispatch Unit shall maintain an index for protection orders and the approved consent agreements delivered to the Blue Ash Police Department, pursuant to ORC § 3113.31 (F)(1). The index shall include the date and time that the Department received the order or agreement (ORC § 3113.31(F)(3)).

310.9.4 WEAPONS

Any deadly weapon brandished, used or threatened to be used in an incident of domestic violence shall be processed as contraband subject to forfeiture, pursuant to ORC Chapter 2981 (ORC § 2935.03).

Search and Seizure

311.1 PURPOSE AND SCOPE

Both the federal and state Constitutions provide every individual with the right to be free from unreasonable searches and seizures. This policy provides general guidelines for Blue Ash Police Department personnel to consider when dealing with search and seizure issues.

311.2 POLICY

It is the policy of the Blue Ash Police Department to respect the fundamental privacy rights of individuals. Members of this department will conduct searches in strict observance of the constitutional rights of persons being searched. All seizures by this department will comply with relevant federal and state law governing the seizure of persons and property.

The Department will provide relevant and current training to officers as guidance for the application of current law, local community standards and prosecutorial considerations regarding specific search and seizure situations, as appropriate.

311.3 SEARCHES

The U.S. Constitution generally provides that a valid warrant is required in order for a search to be valid. There are, however, several exceptions that permit a warrantless search.

Examples of law enforcement activities that are exceptions to the general warrant requirement include, but are not limited to, searches pursuant to the following:

- Valid consent
- Incident to a lawful arrest
- Legitimate community caretaking interests
- Vehicle searches under certain circumstances
- Exigent circumstances

Certain other activities are recognized by federal and state courts and by certain statutes as legitimate law enforcement activities that also do not require a warrant. Such activities may include seizure and examination of abandoned property, and observations of activities and property located on open public areas.

Because case law regarding search and seizure is constantly changing and subject to interpretation by the courts, each member of this department is expected to act in each situation according to current training and his/her familiarity with clearly established rights as determined by case law.

Whenever practicable, officers are encouraged to contact a supervisor to resolve questions regarding search and seizure issues prior to electing a course of action.

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311.4 SEARCH PROTOCOL

Although conditions will vary and officer safety and other exigencies must be considered in every search situation, the following guidelines should be followed whenever circumstances permit:

- (a) Members of this department will strive to conduct searches with dignity and courtesy.
- (b) Officers should explain to the person being searched the reason for the search and how the search will be conducted.
- (c) Searches should be carried out with due regard and respect for private property interests and in a manner that minimizes damage. Property should be left in a condition as close as reasonably possible to its pre-search condition.
- (d) In order to minimize the need for forcible entry, an attempt should be made to obtain keys, combinations or access codes when a search of locked property is anticipated.
- (e) When the person to be searched is of the opposite sex as the searching officer, a reasonable effort should be made to summon an officer of the same sex as the subject to conduct the search. When it is not practicable to summon an officer of the same sex as the subject, the following guidelines should be followed:
 1. Another officer or a supervisor should witness the search.
 2. The officer should not search areas of the body covered by tight-fitting clothing, sheer clothing or clothing that could not reasonably conceal a weapon.

311.5 DOCUMENTATION

Officers are responsible to document any search and to ensure that any required reports are sufficient including, at minimum, documentation of the following:

- Reason for the search
- Any efforts used to minimize the intrusiveness of any search (e.g., asking for consent or keys)
- What, if any, injuries or damage occurred
- All steps taken to secure property
- The results of the search, including a description of any property or contraband seized
- If the person searched is the opposite sex, any efforts to summon an officer of the same sex as the person being searched and the identification of any witness officer

Supervisors shall review reports to ensure the reports are accurate, that actions are properly documented and that current legal requirements and department policy have been met.

Temporary Custody of Juveniles

312.1 PURPOSE AND SCOPE

This policy provides guidelines consistent with the Juvenile Justice and Delinquency Prevention Act for juveniles taken into temporary custody by members of the Blue Ash Police Department (34 USC § 11133).

312.1.1 DEFINITIONS

Definitions related to this policy include:

Juvenile non-offender - An abused, neglected, dependent, or alien juvenile who may be legally held for his/her own safety or welfare. This also includes any juvenile who may have initially been contacted for an offense that would not subject an adult to arrest (e.g., fine-only offense) but was taken into custody for his/her protection or for purposes of reuniting the juvenile with a parent, guardian, or other responsible person.

Juvenile offender - A juvenile under 18 years of age who is alleged to have committed an offense that would subject an adult to arrest (a non-status offense) or who is in possession of a handgun (28 CFR 31.303).

Non-secure custody - When a juvenile is held in the presence of an officer or other custody employee at all times and is not placed in a locked room, cell, or behind any locked doors. Juveniles in non-secure custody may be handcuffed but not to a stationary or secure object. Personal supervision, through direct visual monitoring and audio two-way communication, is maintained. Monitoring through electronic devices, such as video, does not replace direct visual observation.

Secure custody - When a juvenile offender is held in a locked room, a set of rooms, or a cell. Examples of secure custody include:

- (a) A juvenile left alone in an unlocked room within the secure perimeter of the adult temporary holding area.
- (b) A juvenile placed in a room that contains doors with delayed egress devices that have a delay of more than 30 seconds.
- (c) A juvenile being processed in a secure booking area when an unsecure booking area is available.
- (d) A juvenile left alone in a secure booking area after being photographed and fingerprinted.
- (e) A juvenile placed in a cell within the adult temporary holding area, whether or not the cell door is locked.
- (f) A juvenile placed in a room that is capable of being locked or contains a fixed object designed for cuffing or restricting movement.

Sight and sound separation - Located or arranged to prevent physical, visual, or auditory contact.

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Status offender - A juvenile suspected of committing a criminal violation of the law that would not be a criminal violation but for the age of the offender. Examples may include running away, underage possession of tobacco, curfew violation, or truancy. A juvenile in custody on a court order or warrant based upon a status offense is also a status offender.

312.2 POLICY

The Blue Ash Police Department is committed to releasing juveniles from temporary custody as soon as reasonably practicable and keeping juveniles safe while they are in temporary custody at the Blue Ash Police Department. Juveniles should be held in temporary custody only for as long as reasonably necessary for processing, transfer or release.

312.3 JUVENILES WHO SHOULD NOT BE HELD

Juveniles who exhibit any of the following conditions should not be held at the Blue Ash Police Department:

- (a) Unconscious
- (b) Seriously injured
- (c) A known suicide risk or obviously severely emotionally disturbed
- (d) Significantly intoxicated
- (e) Extremely violent or continuously violent

Officers taking custody of a juvenile who exhibits any of the above conditions should take reasonable steps to provide medical attention or mental health assistance and notify a supervisor of the situation.

These juveniles should not be held at the Blue Ash Police Department unless they have been evaluated by a qualified medical and/or mental health professional.

If the officer taking custody of the juvenile believes the juvenile may be a suicide risk, the juvenile shall be under continuous direct supervision until evaluation, release or a transfer is completed.

312.4 CUSTODY OF JUVENILES

Officers should take custody of a juvenile and temporarily hold the juvenile at the Blue Ash Police Department when there is no other lawful and practicable alternative to temporary custody. Refer to the Child Abuse Policy for additional information regarding detaining a juvenile that is suspected of being a victim.

No juvenile should be held in temporary custody at the Blue Ash Police Department without authorization of the arresting officer's supervisor or the Shift OIC.

Any juvenile taken into custody shall be released to the care of the juvenile's parent or other responsible adult, or transferred to a juvenile custody facility or to other authority as soon as practicable, and in no event shall a juvenile be held beyond three hours, or six if being held for a felony, from the time of his/her entry into the Blue Ash Police Department (34 USC § 11133; ORC § 2151.311).

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312.4.1 CUSTODY OF JUVENILE NON-OFFENDERS

Non-offenders taken into protective custody in compliance with the Child Abuse Policy should generally not be held at the Blue Ash Police Department. Custodial arrangements should be made for non-offenders as soon as reasonably possible. Juvenile non-offenders may not be held in secure custody (34 USC § 11133).

312.4.2 CUSTODY OF JUVENILE STATUS OFFENDERS

Officers should use alternatives that preserve public safety and hold the youth accountable with arrest as a last resort. Status offenders should generally be released by referral to an appropriate community social service or mental health agency, issuance of a citation, or with a warning rather than taken into temporary custody. However, officers may take custody of a status offender if requested to do so by a parent or legal guardian in order to facilitate reunification (e.g., transported home or to the station to await a parent). Juvenile status offenders may not be held in secure custody (34 USC § 11133).

The Department should allow officers to exercise discretion in making reasonable age-appropriate modifications of practices, including uses of the least restrictive and coercive approaches possible, when interacting with special youth populations such as those in crisis due to mental illness or substance abuse, or those with developmental or intellectual disabilities.

312.4.3 CUSTODY OF JUVENILE OFFENDERS

Juvenile offenders should be held in non-secure custody while at the Blue Ash Police Department unless another form of custody is authorized by this policy or is necessary due to exigent circumstances.

Generally, juvenile offenders may be taken into custody under the following circumstances (ORC § 2151.31(A)):

- (a) Pursuant to a court order.
- (b) Pursuant to the laws that would subject an adult to arrest.

An officer shall promptly release the juvenile to his/her parents, guardian or other custodian unless circumstances indicate that detention or shelter care of the juvenile is warranted (ORC § 2151.311(A)).

312.5 ADVISEMENTS

If the officer brings the juvenile directly to court or delivers the juvenile to a place of detention or shelter care, he/she shall promptly notify the juvenile's parent, guardian or other custodian of the juvenile's location and reason for the detention (ORC § 2151.311(A)).

312.6 JUVENILE CUSTODY LOGS

Any time a juvenile is held in custody at the Department, the detention shall be promptly and properly documented in the juvenile custody log, including:

- (a) Identifying information about the juvenile being held.
- (b) Date and time of arrival and release from the Blue Ash Police Department.

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- (c) Shift OIC notification and approval to temporarily hold the juvenile.
- (d) Any charges for which the juvenile is being held and classification of the juvenile as a juvenile offender, status offender, or non-offender.
- (e) Any changes in status.
- (f) Time of all welfare checks.
- (g) Any medical and other screening requested and completed.
- (h) Circumstances that justify any secure custody.
- (i) Any other information that may be required by other authorities, such as compliance inspectors or a local juvenile court authority.

The Shift OIC shall initial the log to approve the detention, including any secure custody, and shall also initial the log when the juvenile is released.

312.7 NO-CONTACT REQUIREMENTS

Sight and sound separation shall be maintained between all juveniles and adults while in custody at the Department (34 USC § 11133; ORC § 2151.311). There should also be sight and sound separation between non-offenders and juvenile and status offenders.

In situations where brief or accidental contact may occur (e.g., during the brief time a juvenile is being fingerprinted and/or photographed in booking), a member of the Blue Ash Police Department shall maintain a constant, immediate presence with the juvenile or the adult to minimize any contact. If inadvertent or accidental contact does occur, reasonable efforts shall be taken to end the contact.

312.8 TEMPORARY CUSTODY REQUIREMENTS

Members and supervisors assigned to monitor or process any juvenile at the Blue Ash Police Department shall ensure the following:

- (a) The Shift OIC should be notified if it is anticipated that a juvenile may need to remain at the Blue Ash Police Department more than four hours for a felony offense, or two hours if being held for any other reason (ORC § 2151.311). This will enable the Shift OIC to ensure no juvenile is held at the Blue Ash Police Department longer than permitted.
- (b) A staff member of the same sex shall supervise personal hygiene activities and care, such as changing clothing or using the restroom, without direct observation to allow for privacy.
- (c) Personal visual checks and significant incidents/activities shall be noted on the log.
- (d) There shall be no viewing devices, such as peep holes or mirrors, of which the juvenile is not aware. Therefore, an employee should inform a juvenile under his/her care that the juvenile will be monitored at all times, unless he/she is using the toilet. This does not apply to surreptitious and legally obtained recorded interrogations.
- (e) Juveniles shall have reasonable access to toilets and wash basins.

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- (f) Food should be provided if a juvenile has not eaten within the past four hours or is otherwise in need of nourishment, including any special diet required for the health of the juvenile.
- (g) Juveniles shall have reasonable access to a drinking fountain or water.
- (h) Juveniles shall have reasonable opportunities to stand and stretch, particularly if handcuffed or restrained in any way.
- (i) Juveniles should have privacy during family, guardian and/or lawyer visits.
- (j) Juveniles should be permitted to remain in their personal clothing unless the clothing is taken as evidence or is otherwise unsuitable or inadequate for continued wear while in custody.
- (k) Blankets should be provided as reasonably necessary.
- (l) Adequate shelter, heat, light and ventilation should be provided without compromising security or enabling escape.
- (m) Juveniles shall have adequate furnishings, including suitable chairs or benches.
- (n) Juveniles shall have the right to the same number of telephone calls as an adult in custody.
- (o) No discipline may be administered to any juvenile, nor may juveniles be subjected to corporal or unusual punishment, humiliation or mental abuse.
- (p) Juveniles shall not be handcuffed or secured to a fixed object during temporary custody at the Blue Ash Police Department (ORC § 2151.311).

312.9 USE OF RESTRAINT DEVICES

Juvenile offenders may be handcuffed in accordance with the Handcuffing and Restraints Policy. A juvenile offender may be handcuffed at the Blue Ash Police Department when the juvenile presents a heightened risk. However, non-offenders and status offenders should not be handcuffed unless they are combative or threatening, or to comply with the requirements of a detention facility.

Other restraints shall only be used after less restrictive measures have failed and with the approval of the Shift OIC. Restraints shall only be used so long as it reasonably appears necessary for the juvenile's protection or the protection of others.

Juveniles in restraints shall be kept away from other unrestrained individuals in custody and monitored to protect them from abuse.

312.9.1 PREGNANT JUVENILES

Juveniles who are known to be pregnant or in any period of postpartum recovery (which can be up to six weeks after delivery) may only be restrained in accordance with the Handcuffing and Restraints Policy (ORC § 2152.75).

312.10 PERSONAL PROPERTY

The officer taking custody of a juvenile offender or status offender at the Blue Ash Police Department shall ensure a thorough search of the juvenile's property is made and all property is

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removed from the juvenile, especially those items that could compromise safety, such as pens, pencils and belts.

The personal property of a juvenile should be placed in a property bag. The property should be inventoried in the juvenile's presence and sealed into the bag. The property should be kept in a monitored or secure location until the juvenile is released from the custody of the Blue Ash Police Department.

312.11 RESTRICTION ON FINGERPRINTING AND PHOTOGRAPHING

An officer may fingerprint and photograph a juvenile offender taken into custody for committing a felony offense or any other offense that is not a minor misdemeanor or traffic offense and shall inform the juvenile court as required in accordance with the Contacts and Temporary Detentions Policy (ORC § 2151.313).

The fingerprints and photographs shall be maintained in accordance with ORC § 2151.313.

312.12 JUVENILE RIGHTS

Juveniles shall be afforded their constitutional and statutory rights in a developmentally appropriate, trauma-informed, and equitable manner. This includes when questioning, searching, detaining, arresting, interrogating, or interviewing a youth.

312.13 DOCUMENTED ANNUAL ADMINISTRATIVE PRACTICES REVIEW AND DATA COLLECTION

The Department shall conduct a documented annual administrative review of the practices and of the data collected on youth arrests by charge, age, race, and use of force.

312.14 TRAINING

The Department shall provide training for officers to include focusing on youth development, age-appropriate and trauma-informed communication strategies, de-escalation practices, and special needs of certain youth populations.

Adult or Vulnerable Person Abuse

313.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the investigation and reporting of suspected abuse of certain persons who may be more vulnerable than others. This policy also addresses mandatory notification for Blue Ash Police Department members as required by law.

313.1.1 DEFINITIONS

Definitions related to this policy include:

Adult abuse - Any offense or attempted offense involving violence or neglect of an adult victim when committed by a person responsible for the adult's care, or any other act that would mandate reporting or notification to a social service agency or law enforcement.

Vulnerable person – A person of any age with a developmental disability.

313.2 POLICY

The Blue Ash Police Department will investigate all reported incidents of alleged adult or vulnerable person abuse and ensure proper reporting and notification as required by law.

313.3 MANDATORY NOTIFICATION

Members of the Blue Ash Police Department shall notify the county department of job and family services (CDJFS) when there is reasonable cause to believe that an adult age 60 years or older is being abused, neglected or exploited, or is in a condition that is the result of abuse, neglect or exploitation (ORC § 5101.61). Regardless of the person's age, if the member reasonably believes that the person has a developmental disability and has suffered, or faces a substantial risk of suffering, abuse or neglect, the county board of developmental disabilities shall also be notified (ORC § 5123.61).

313.3.1 NOTIFICATION PROCEDURE

Notification may be made verbally or in writing and shall contain the basis for the member's belief that the person has been abused, along with the following information, if known (ORC § 5101.61; ORC § 5123.61):

- (a) The name, address, and telephone numbers of the following individuals:
 - 1. Victim
 - 2. The victim's caregiver
 - 3. If known, the alleged perpetrator (if different than the caregiver)
 - 4. Any other known household members or collateral sources
- (b) The approximate age of the victim, along with the nature and extent of the alleged abuse, neglect, or exploitation
- (c) The date and time the allegation of abuse was received by this department

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313.4 QUALIFIED INVESTIGATORS

Qualified investigators should be available to investigate cases of adult or vulnerable person abuse. These investigators should:

- (a) Conduct interviews in appropriate interview facilities.
- (b) Be familiar with forensic interview techniques specific to adult or vulnerable person abuse investigations.
- (c) Present all cases of alleged adult or vulnerable person abuse to the prosecutor for review.
- (d) Coordinate with other enforcement agencies, social service agencies and facility administrators as needed.
- (e) Provide referrals to therapy services, victim advocates, guardians and support for the victim and family as appropriate.
- (f) Participate in or coordinate with multidisciplinary investigative teams as applicable.

313.5 INVESTIGATIONS AND REPORTING

All reported or suspected cases of adult or vulnerable person abuse require investigation and a report, even if the allegations appear unfounded or unsubstantiated.

Investigations and reports related to suspected cases of adult or vulnerable person abuse should address, as applicable:

- (a) The overall basis for the contact. This should be done by the investigating officer in all circumstances where a suspected adult or vulnerable person abuse victim is contacted.
- (b) Any relevant statements the victim may have made and to whom he/she made the statements.
- (c) If a person is taken into protective custody, the reasons, the name and title of the person making the decision, and why other alternatives were not appropriate.
- (d) Documentation of any visible injuries or any injuries identified by the victim. This should include photographs of such injuries, if practicable.
- (e) Whether the victim was transported for medical treatment or a medical examination.
- (f) Whether the victim identified a household member as the alleged perpetrator, and a list of the names of any other potential victims or witnesses who may reside in the residence.
- (g) Identification of any prior related reports or allegations of abuse, including other jurisdictions, as reasonably known.
- (h) Previous addresses of the victim and suspect.
- (i) Other potential witnesses who have not yet been interviewed, such as relatives or others close to the victim's environment.

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Any unexplained death of an adult or vulnerable person who was in the care of a guardian or caretaker should be considered as potential adult or vulnerable person abuse and investigated similarly.

313.6 PROTECTIVE CUSTODY

Before taking a victim into protective custody when facts indicate the adult or vulnerable person may not be able to care for him/herself, the officer should make reasonable attempts to contact CDJFS or the county board of developmental disabilities, as appropriate under the circumstances. Generally, removal of a victim from his/her family, guardian or other responsible adult should be left to the welfare authorities when they are present or have become involved in an investigation.

Generally, members of this department should remove a victim from his/her family or guardian without a court order only when no other effective alternative is reasonably available and immediate action reasonably appears necessary to protect the victim. Prior to taking a victim into protective custody, the officer should take reasonable steps to deliver the adult or vulnerable person to another qualified legal guardian, unless it reasonably appears that the release would endanger the victim or result in abduction. If this is not a reasonable option, the officer shall ensure that the person is delivered to CDJFS or the county board of developmental disabilities, as appropriate under the circumstances.

Whenever practicable, the officer should inform a supervisor of the circumstances prior to taking a victim into protective custody. If prior notification is not practicable, officers should contact a supervisor promptly after taking the victim into protective custody.

When victims are under state control, have a state-appointed guardian or there are other legal holdings for guardianship, it may be necessary or reasonable to seek a court order on behalf of the victim to either remove the victim from a dangerous environment (protective custody) or restrain a person from contact with the victim.

313.7 INTERVIEWS

313.7.1 PRELIMINARY INTERVIEWS

Absent extenuating circumstances or impracticality, officers should audio record the preliminary interview with a suspected abuse victim. Officers should avoid multiple interviews with the victim and should attempt to gather only the information necessary to begin an investigation. When practicable, investigating officers should defer interviews until a person who is specially trained in such interviews is available.

313.7.2 DETAINING VICTIMS FOR INTERVIEWS

An officer should not detain a victim involuntarily who is suspected of being a victim of abuse solely for the purpose of an interview or physical exam without his/her consent or the consent of a guardian unless one of the following applies:

- (a) Exigent circumstances exist, such as:

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1. A reasonable belief that medical issues of the victim need to be addressed immediately.
 2. A reasonable belief that the victim is or will be in danger of harm if the interview or physical exam is not immediately completed.
 3. The alleged offender is a family member or guardian and there is reason to believe the victim may be in continued danger.
- (b) A court order or warrant has been issued.

313.8 MEDICAL EXAMINATIONS

When an adult or vulnerable person abuse investigation requires a medical examination, the investigating officer should obtain consent for such examination from the victim, guardian, agency or entity having legal custody of the victim. The officer should also arrange for the victim's transportation to the appropriate medical facility.

In cases where the alleged offender is a family member, guardian, agency or entity having legal custody and is refusing to give consent for the medical examination, officers should notify a supervisor before proceeding. If exigent circumstances do not exist or if state law does not provide for officers to take the victim for a medical examination, the supervisor should consider other government agencies or services that may obtain a court order for such an examination.

313.9 DRUG-ENDANGERED VICTIMS

A coordinated response by law enforcement and social services agencies is appropriate to meet the immediate and longer-term medical and safety needs of a victim who has been exposed to the manufacturing, trafficking or use of narcotics.

313.9.1 SUPERVISOR RESPONSIBILITIES

The Detective Section supervisor should:

- (a) Work with professionals from the appropriate agencies, including CDJFS or the county board of developmental disabilities, other law enforcement agencies, medical service providers and local prosecutors to develop community specific procedures for responding to situations where there are victims endangered by exposure to methamphetamine labs or the manufacture and trafficking of other drugs.
- (b) Activate any available interagency response when an officer notifies the Detective Section supervisor that he/she has responded to a drug lab or other narcotics crime scene where a victim is present or where evidence indicates that a victim lives there.
- (c) Develop a report format or checklist for use when officers respond to drug labs or other narcotics crime scenes. The checklist will help officers document the environmental, medical, social and other conditions that may affect the victim.

313.9.2 OFFICER RESPONSIBILITIES

Officers responding to a drug lab or other narcotics crime scene where an abuse victim is present or where there is evidence that a victim lives there should:

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- (a) Document the environmental, medical, social and other conditions of the victim, using photography as appropriate and the checklist or form developed for this purpose.
- (b) Notify the Detective Section supervisor so an interagency response can begin.

313.10 STATE MANDATES AND OTHER RELEVANT LAWS

Ohio requires that all investigations involving abuse of an adult or vulnerable person be conducted jointly between department members and the appropriate social service agency.

313.11 TRAINING

The Department should provide training on best practices in adult or vulnerable person abuse investigations to members tasked with investigating these cases. The training should include:

- (a) Participating in multidisciplinary investigations, as appropriate.
- (b) Conducting interviews.
- (c) Availability of therapy services for adults or vulnerable persons and their families.
- (d) Availability of specialized forensic medical exams.
- (e) Cultural competence (including interpretive services) related to adult or vulnerable person abuse investigations.
- (f) Availability of victim advocates or other support.

Discriminatory Harassment

314.1 PURPOSE AND SCOPE

The purpose of this policy is to prevent Department members from being subjected to discriminatory harassment, including sexual harassment and retaliation. Nothing in this policy is intended to create a legal or employment right or duty that is not created by law.

314.2 HARASSMENT/DISCRIMINATION

It is the policy of the City of Blue Ash to afford all employees a workplace that is free from all forms of sexual (including pregnancy), racial, religious, age (as defined under applicable federal and state law), disability, ancestry, color, or national origin harassment or discrimination. Such misconduct should be reported promptly, regardless of who originates it or participates in it (employee or non-employee), and regardless of whether it is oral, written, visual, or physical conduct. If found to have occurred, such misconduct will result in corrective action that the City of Blue Ash determines is an appropriate resolution of the matter. The corrective action against an offending employee could range up to and including termination.

314.2.1 REPORTING PROCEDURE

Anyone who is the object of any such conduct or who observes any such activity should immediately report the matter to either his or her immediate supervisor, the Personnel Officer, the City Manager, or any other member of the City of Blue Ash's Administration without fear of reprisal.

In reporting the incident, the employee is encouraged to provide the date(s) of the incident, the name of the person accused of wrongdoing, any witnesses, any documentation, and a clear description of what took place. This information will assist in the conducting of a complete investigation into the matter.

314.2.2 INVESTIGATION/DISCIPLINARY ACTION

Each reported matter will be investigated under the direct supervision of the Personnel Officer or her/his designee. After the investigation has been completed, a determination will be made by the City. Appropriate corrective action, up to and including termination from the City will be taken if that is deemed the proper resolution of the matter.

314.2.3 EXPLANATION OF SEXUAL HARASSMENT

The Equal Employment Opportunity Commission (EEOC) defines sexual harassment as follows:

Unwelcome sexual advances (verbal and/or physical), requests for favors and other verbal and/or physical conduct of a sexual nature constitute sexual harassment when:

- (a) (a) Submission to such conduct is either explicit or implicit term or condition of employment (such as a promotion, job assignment, overtime opportunity, wage increase, ect.); or
- (b) Submission to or rejection of the conduct is used as a basis for making employment decisions; or

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- (c) The conduct has the purpose of substantially interfering with an individual's work performance or creating a hostile or offensive work environment.

While it is not possible to list all those examples that may constitute sexual harassment, the following non-exhaustive list sets forth some examples of conduct which, if unwelcome, may constitute sexual harassment depending upon the totality of the circumstances, including the severity of the conduct and its pervasiveness:

- Sexual jokes or offensive sexual language.
- Sexual references.
- Verbal harassment of a sexual nature.
- Subtle or direct pressure for sexual activity.
- Physical contact such as touching, patting, pinching, rubbing or squeezing.
- Leering at or ogling or other sexual references or comments about a person's body, appearance or clothing.
- Seeking sexual attention with implied or explicit threats or rewards.
- Displaying pictures or objects that have women and/or men as sexual objects.

Using and insisting upon good manners, professional behavior and the exercise of good sense will go a long way in avoiding and preventing the inappropriate conduct covered by this policy. Again, should there be any incident, however, which runs afoul of this policy, it should be reported immediately. The City, however, emphasizes that while this policy sets forth its goals of promoting a workplace that is free from the above-referenced harassment or discrimination, this policy does not limit the City's ability to take corrective action for workplace conduct which it determines is unacceptable, regardless whether that conduct violates this policy.

Child Abuse

315.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the investigation of suspected child abuse. This policy also addresses when Blue Ash Police Department members are required to notify the appropriate public children services agency (PCSA) of suspected child abuse. The PCSA for Hamilton County is Hamilton County Job and Family Services - Children's Services, commonly known as "241-KIDS".

315.1.1 DEFINITIONS

Definitions related to this policy include:

Child - Unless otherwise specified by a cited statute, a child is any person under the age of 18 years.

Child abuse - Any offense or attempted offense involving violence or neglect with a child victim when committed by a person responsible for the child's care or any other act that would mandate notification to a social service agency (ORC § 2151.421).

315.2 POLICY

The Blue Ash Police Department will investigate all reported incidents of alleged criminal child abuse and ensure the PCSA is notified as required by law.

315.3 MANDATORY NOTIFICATION

Members of the Blue Ash Police Department shall notify 241-KIDS when they receive a report of possible abuse or neglect of a child, or the possible threat of abuse or neglect of a child. This mandated notification applies to allegations involving a child who is under the age of 18 years or an individual who is under the age of 21 years and is intellectually disabled, developmentally disabled or physically impaired (ORC § 2151.421).

For purposes of notification, abuse and neglect includes sexual offenses, child endangering, physical or mental injury or death, out-of-home care child abuse or neglect, abandonment, illegal adoptions, or withholding or refusing care or treatment necessary for the child's health, morals or well being, and any other act, as provided in ORC § 2151.03 and ORC § 2151.031.

315.3.1 NOTIFICATION PROCEDURE

Notification should occur as follows (ORC § 2151.421):

- (a) Notification should be made immediately by telephone or in person to the PCSA in the county in which the child resides or in which the abuse or neglect is occurring or has occurred.
- (b) Notification, when possible, should include:
 1. The name, address, and age of the child.
 2. The name and address of the child's parents or other person having custody of the child.

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3. The nature and extent of the injury, abuse, or neglect.
 4. Any evidence of a threat of injury, abuse, or neglect, including any evidence of previous injuries, abuse, or neglect.
 5. Any other information that might be helpful.
- (c) The member shall notify the person who provides information regarding the alleged abuse or neglect of the child of his/her right to request certain basic information regarding the investigation. The member shall document the notification along with the person's name, address, and telephone number in the related report (ORC § 2151.421).
- (d) Any other notifications should be made as set forth in the existing Memorandum of Understanding (MOU) with the PCSA (ORC § 2151.421).

If the child is a delinquent in the custody of a Department of Youth Services controlled or contracted institution, any notification shall be made to the Ohio State Highway Patrol (ORC § 5139.12).

315.4 INVESTIGATIONS AND REPORTING

In all reported or suspected cases of child abuse, a report will be written. Officers shall write a report even if the allegations appear unfounded or unsubstantiated.

Investigations and reports related to suspected cases of child abuse should address, as applicable:

- (a) The overall basis for the contact. This should be done by the investigating officer in all circumstances where a suspected child abuse victim was contacted.
- (b) The exigent circumstances that existed if officers interviewed the child victim without the presence of a parent or guardian.
- (c) Any relevant statements the child may have made and to whom he/she made the statements.
- (d) If a child was taken into protective custody, the reasons, the name and title of the person making the decision, and why other alternatives were not appropriate.
- (e) Documentation of any visible injuries or any injuries identified by the child. This should include photographs of such injuries, if practicable.
- (f) Whether the child victim was transported for medical treatment or a medical examination.
- (g) Whether the victim identified a household member as the alleged perpetrator, and a list of the names of any other children who may reside in the residence.
- (h) Identification of any prior related reports or allegations of child abuse, including other jurisdictions, as reasonably known.
- (i) Previous addresses of the victim and suspect.
- (j) Other potential witnesses who have not yet been interviewed, such as relatives or others close to the victim's environment.

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- (k) The investigatory steps, as set forth in the existing MOU with the PCSA, that should be followed when the terms apply to an allegation of child abuse (ORC § 2151.421).

All cases of the unexplained death of a child should be investigated as thoroughly as if it had been a case of suspected child abuse (e.g., a sudden or unexplained death of an infant).

315.5 PROTECTIVE CUSTODY

Before taking any child into protective custody, the officer should make reasonable attempts to contact the PCSA. Generally, removal of a child from the child's family, guardian, or other responsible adult should be left to the child welfare authorities when they are present or have become involved in an investigation (ORC § 2151.421).

Generally, members of this department should remove a child from the child's parent or guardian without a court order only when no other effective alternative is reasonably available and immediate action reasonably appears necessary to protect the child. Prior to taking a child into protective custody, the officer should take reasonable steps to deliver the child to another qualified parent or legal guardian, unless it reasonably appears that the release would endanger the child or result in abduction. If this is not a reasonable option, the officer shall ensure that the child is delivered to the PCSA.

Whenever practicable, the officer should inform a supervisor of the circumstances prior to taking a child into protective custody. If prior notification is not practicable, officers should contact a supervisor promptly after taking a child into protective custody.

Children may only be removed from a parent or guardian in the following situations (ORC § 2151.31; ORC § 2151.421):

- (a) When a court has issued an order authorizing the removal of a child.
- (b) Without a court order when:
 - 1. There are reasonable grounds to believe that the child is suffering from illness or injury and is not receiving proper care, and the child's removal is necessary to prevent immediate or threatened physical or emotional harm.
 - 2. There are reasonable grounds to believe that the child is in immediate danger from the child's surroundings and that the child's removal is necessary to prevent immediate or threatened physical or emotional harm.
 - 3. There are reasonable grounds to believe that a parent, guardian, custodian, or other household member has abused or neglected another child in the household, and that the child is in danger of immediate or threatened physical or emotional harm.

Officers shall not remove a child without consultation with the PCSA, unless the report of abuse or neglect was made by a physician and, in the judgment of the officer and the physician, immediate removal is considered essential to protect the child from further abuse or neglect.

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315.5.1 SAFE HAVENS FOR NEWBORNS

A parent may voluntarily surrender a newborn infant who is 30 days old or younger with an officer of the Blue Ash Police Department. The officer shall perform any act necessary to protect the newborn's health or safety and notify PCSA as soon as practicable (ORC § 2151.3516; ORC § 2151.3517; ORC § 2151.3518).

The surrendering parent should be provided and asked to complete a Department of Jobs and Family Services (JFS) medical history form for the child. The parent is not required to complete the form; however, if the parent refuses to complete the form, the parent should be encouraged to take the form and complete and return it at a later time (ORC § 2151.3518; ORC § 2151.3528).

The surrendering parent should also be offered any brochures prepared by the JFS regarding services available for parents and newborns (ORC § 2151.3518; ORC § 2151.3529).

A parent who voluntarily surrenders a newborn has the right to remain anonymous and shall not be coerced into revealing the parent's identity, completing medical forms, accepting brochures, followed, or pursued (ORC § 2151.3526; ORC § 2151.3529; ORC § 2151.3530).

The Safe Haven provisions do not apply if the child appears to have suffered child abuse or neglect and the officer should investigate the matter as a child abuse incident.

315.6 INTERVIEWS

315.6.1 PRELIMINARY INTERVIEWS

Absent extenuating circumstances or impracticality, officers should record the preliminary interview with suspected child abuse victims. Officers should avoid multiple interviews with a child victim and should attempt to gather only the information necessary to begin an investigation. When practicable, investigating officers should defer interviews until a person who is specially trained in such interviews is available. Generally, child victims should not be interviewed in the home or location where the alleged abuse occurred.

315.6.2 DETAINING SUSPECTED CHILD ABUSE VICTIMS FOR AN INTERVIEW

An officer should not detain a child involuntarily who is suspected of being a victim of child abuse solely for the purpose of an interview or physical exam without the consent of a parent or guardian unless one of the following applies:

- (a) Exigent circumstances exist, such as:
 - 1. A reasonable belief that medical issues of the child need to be addressed immediately.
 - 2. A reasonable belief that the child is or will be in danger of harm if the interview or physical exam is not immediately completed.
 - 3. The alleged offender is the custodial parent or guardian and there is reason to believe the child may be in continued danger.
- (b) A court order or warrant has been issued.

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315.7 MEDICAL EXAMINATIONS

If the child has been the victim of abuse that requires a medical examination, the investigating officer should obtain consent for such examination from the appropriate parent, guardian or agency having legal custody of the child. The officer should also arrange for the child's transportation to the appropriate medical facility.

In cases where the alleged offender is the custodial parent or guardian and is refusing consent for the medical examination, officers should notify a supervisor before proceeding. If exigent circumstances do not exist or if state law does not provide for officers to take the child for a medical examination, the notified supervisor should consider obtaining a court order for such an examination.

315.8 STATE MANDATES AND OTHER RELEVANT LAWS

Ohio requires or permits the following:

315.8.1 RELEASE OF REPORTS

Information related to incidents of child abuse or suspected child abuse shall be confidential and may only be disclosed pursuant to state law and the Records Maintenance and Release Policy (ORC § 149.43 et seq.; ORC § 2151.421).

315.8.2 SAFE HAVENS LAW

Blue Ash officers shall take possession of a child who is thirty days old or younger if that child's parent has voluntarily delivered the child to that person without the parent expressing an intent to return for the child (ORC § 2151.3516).

Upon taking possession of a deserted child as mentioned above, officers shall:

- Perform any act necessary to protect the child's health or safety.
- Notify 241-KIDS that the officer has taken possession of the child.
- Gather medical information from the parent(s) using Ohio Department of Job and Family Services form [JFS 06172](#), if possible.
- Provide form [JFS 08099](#) to the parent(s), if possible.
- 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 the person who delivered the child and begin an investigation.

(ORC § 2151.3517).

315.9 TRAINING

The Department should provide training on best practices in child abuse investigations to members tasked with investigating these cases. The training should include:

- (a) Participating in multidisciplinary investigations, as appropriate.
- (b) Conducting forensic interviews.

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- (c) Availability of therapy services for children and families.
- (d) Availability of specialized forensic medical exams.
- (e) Cultural competence (including interpretive services) related to child abuse investigations.
- (f) Availability of victim advocate or guardian ad litem support.

Missing Persons

316.1 PURPOSE AND SCOPE

This policy provides guidance for handling missing person investigations.

316.1.1 DEFINITIONS

Definitions related to this policy include:

At risk - Includes persons who (ORC § 2901.41; ORC § 5502.522):

- (a) Are 13 years of age or younger.
- (b) Are 65 years of age or older.
- (c) Are 17 years of age or younger who have run away from or are otherwise missing from the care, custody, and control of the juvenile's parent, guardian, or other person having responsibility for the care of the minor (ORC § 2901.30).
- (d) Regardless of age, are believed or determined to be experiencing one or more of the following circumstances:
 - 1. Out of the zone of safety for the person's chronological age and developmental stage.
 - 2. Physically or mentally disabled, including autism spectrum disorder or another developmental disability.
 - 3. Behaviorally disabled.
 - 4. Drug dependent, including prescribed medication and/or illegal substances, and the dependency is potentially life-threatening.
 - 5. Absent from home for more than 24 hours before being reported to law enforcement as missing.
 - 6. In a life-threatening situation.
 - 7. In the company of others who could endanger the person's welfare.
 - 8. Absent in a way that is inconsistent with established patterns of behavior and cannot be readily explained. Most children have an established and reasonably predictable routine.
 - 9. Involved in a situation that would cause a reasonable person to conclude the person should be considered at risk.
 - 10. Missing and there is evidence of foul play including but not limited to evidence that the person's home or car is in disarray, evidence of a struggle between the person and another, or any other evidence that the Department determines is foul play (ORC § 2901.42).

Missing person - Any person who is reported missing to law enforcement, when that person's location is unknown.

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Missing person networks - Databases or computer networks that are available to law enforcement and are suitable for obtaining information related to missing person investigations. This includes the National Crime Information Center (NCIC), the Ohio Law Enforcement Automated Data System (LEADS), the Ohio Attorney General's Missing Children's Clearing House, and the Department of Public Safety's (DPS) Missing Adult Alert.

316.2 POLICY

The Blue Ash Police Department does not consider any report of a missing person to be routine and assumes that the missing person is in need of immediate assistance until an investigation reveals otherwise. Priority shall be given to missing person cases over property-related cases. Members will initiate an investigation into all reports of missing persons, regardless of the length of time the person has been missing.

316.3 ACCEPTANCE OF REPORTS

Any member encountering a person who wishes to report a missing person or runaway shall render assistance without delay. This can be accomplished by accepting the report via telephone or in-person and initiating the investigation. Those members who do not take such reports or who are unable to give immediate assistance shall promptly dispatch or alert a member who can take the report.

A report shall be accepted in all cases and regardless of where the person was last seen, where the person resides or any question of jurisdiction.

316.4 INITIAL INVESTIGATION

Officers or other members conducting the initial investigation of a missing person should take the following investigative actions, as applicable:

- (a) Respond to a dispatched call as soon as practicable.
- (b) Interview the reporting party and any witnesses to determine whether the person qualifies as a missing person and, if so, whether the person may be at risk.
- (c) Notify a supervisor immediately if there is evidence that a missing person is either at risk or may qualify for a public alert, or both (see the Public Alerts Policy).
- (d) Broadcast a "Be on the Look-Out" (BOLO) bulletin if the person is under 17 or there is evidence that the missing person is at risk. The BOLO should be broadcast as soon as practicable but in no event more than one hour after determining the missing person is under 17 years of age or may be at risk.
- (e) Ensure that entries are made into the appropriate missing person networks:
 1. Immediately, when the missing person is at risk or there is evidence of foul play and the person is at least 18 but under the age of 21 (ORC § 2901.30(C); ORC § 2901.42(A)).

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2. In all other cases, as soon as practicable, but not later than two hours from the time of the initial report.
- (f) Complete the appropriate report forms accurately and completely and initiate a search as applicable under the facts.
- (g) Collect and/or review:
 1. A photograph and fingerprint card of the missing person, if available.
 2. A voluntarily provided biological sample of the missing person, if available (e.g., toothbrush, hairbrush).
 3. Any documents that may assist in the investigation, such as court orders regarding custody.
 4. Any other evidence that may assist in the investigation, including personal electronic devices (e.g., cell phones, computers).
- (h) When circumstances permit and if appropriate, attempt to determine the missing person's location through his/her telecommunications carrier.
- (i) Contact the appropriate agency if the report relates to a missing person report previously made to another agency and that agency is actively investigating the report. When this is not practicable, the information should be documented in an appropriate report for transmission to the appropriate agency. If the information relates to an at-risk missing person, the member should notify a supervisor and proceed with reasonable steps to locate the missing person.

316.5 REPORT PROCEDURES AND ROUTING

Members should complete all missing person reports and forms promptly and advise the appropriate supervisor as soon as a missing person report is ready for review.

316.5.1 SUPERVISOR RESPONSIBILITIES

The responsibilities of the supervisor shall include, but are not limited to:

- (a) Reviewing and approving missing person reports upon receipt.
 1. The reports should be promptly sent to the Records Unit.
- (b) Ensuring resources are deployed as appropriate.
- (c) Initiating a command post as needed.
- (d) Ensuring applicable notifications and public alerts are made and documented.
- (e) Ensuring that records have been entered into the appropriate missing persons networks.
- (f) Taking reasonable steps to identify and address any jurisdictional issues to ensure cooperation among agencies.

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1. If the case falls within the jurisdiction of another agency, the supervisor should facilitate transfer of the case to the agency of jurisdiction.

316.5.2 RECORDS UNIT RESPONSIBILITIES

The responsibilities of the Records Unit receiving member shall include, but are not limited to:

- (a) As soon as reasonable under the circumstances, notifying and forwarding a copy of the report to the agency of jurisdiction for the missing person's residence in cases where the missing person is a resident of another jurisdiction.
- (b) Notifying the parents or other responsible person of a missing person age 17 or younger that the person's information has been entered into the appropriate networks (ORC § 2901.30(C)).
- (c) Notifying and forwarding a copy of the report to the agency of jurisdiction where the missing person was last seen.
- (d) Notifying and forwarding a copy of the report to the agency of jurisdiction for the missing person's intended or possible destination, if known.
- (e) Forwarding a copy of the report to the Detective Section.
- (f) Coordinating with the NCIC Terminal Contractor for Ohio to have the missing person record in the NCIC computer networks updated with additional information obtained from missing person investigations (34 USC § 41308).

316.6 DETECTIVE SECTION FOLLOW-UP

In addition to completing or continuing any actions listed above, the investigator assigned to a missing person investigation:

- (a) Should ensure that the missing person's school is notified when a missing person's report is filed if the missing person is a juvenile (ORC § 2901.30(D)).
 1. The notice shall be in writing and should also include a photograph.
 2. The investigator should meet with school officials as appropriate to stress the importance of including the notice in the child's student file, along with the investigator's contact information if the school receives a call requesting the transfer of the missing child's files to another school.
- (b) Should re-contact the reporting person and/or other witnesses within 30 days of the initial report and within 30 days thereafter to determine if any additional information has become available.
- (c) Should consider contacting other agencies involved in the case to determine if any additional information is available.
- (d) Shall verify and update Ohio LEADS, NCIC and any other applicable missing person networks within 30 days of the original entry into the networks and every 30 days thereafter until the missing person is located (34 USC § 41308).
- (e) Should continue to make reasonable efforts to locate the missing person and document these efforts at least every 30 days.

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- (f) Shall maintain a close liaison with state and local child welfare systems and the National Center for Missing and Exploiting Children® (NCMEC) if the missing person is under the age of 21 and shall promptly notify NCMEC when the person is missing from a foster care family home or childcare institution (34 USC § 41308).
- (g) Should make appropriate inquiry with the Coroner.
- (h) Should obtain and forward medical and dental records, photos, X-rays and biological samples, as applicable.
- (i) Shall attempt to obtain the most recent photograph for persons under 18 years of age if it has not been obtained previously and forward the photograph to the Ohio Attorney General's Missing Children's Clearing House and enter the photograph into applicable missing person networks (34 USC § 41308).
- (j) Should consider making appropriate entries and searches in the National Missing and Unidentified Persons System (NamUs).
- (k) Shall obtain, if previously not obtained, written consent for the release of dental records from the person's parent or legal custodian, if the person is a missing child that has not been located within 30 days of the initial missing persons report (ORC § 2901.30(G)).
- (l) Should consider utilizing resources recommended by the Ohio Attorney General and promulgated by the Ohio Peace Officer Training Commission.
- (m) In the case of an at-risk missing person or a person who has been missing for an extended time, should consult with a supervisor regarding seeking federal assistance from the FBI and the U.S. Marshals Service (28 USC § 566).

316.6.1 OHIO MISSING PERSONS WEBSITE

The investigating officer may request that information about a case be posted on the Ohio Missing Persons website. This can be done by calling the Ohio Attorney General's Office at (800) 325-5604.

The Ohio Missing Persons website posts cases that meet the following criteria:

- (a) The person has been reported missing to a law enforcement agency and the law enforcement agency has entered the missing person into the National Crime Information Center database; and
- (b) They are a missing child who is 17 years of age or younger; or
- (c) They are a missing adult between the ages of 21; or
- (d) They are a missing person 22 years of age or older who is suspected by law enforcement of being endangered or the victim of criminal activity; and
- (e) The child or adult is missing from Ohio; or
- (f) The child or adult is missing from another state or country, but believed to be in the State of Ohio.

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316.6.2 HOSPITAL NETWORK REPORT

The investigator may fax a Hospital Network Report to Good Samaritan Hospital Security (fax- 862-4970, voice 862-2476). They will forward the information to all emergency rooms in the Greater Cincinnati area, including Northern Kentucky and Dearborn County, Indiana.

316.7 WHEN A MISSING PERSON IS FOUND

When any person reported missing is found, the assigned investigator shall document the location of the missing person in the appropriate report, notify the reporting party and other involved agencies and refer the case for additional investigation if warranted.

The Records Unit shall ensure that, upon receipt of information that a missing person has been located, the following occurs:

- (a) Notification is made to DPS and the Ohio Attorney General's Missing Children's Clearing House, as appropriate.
- (b) A missing child's school is notified.
- (c) Entries are made in the applicable missing person networks.
- (d) When a person is at risk, the fact that the person has been found should be reported within 24 hours to the DPS and the Ohio Attorney General's Missing Children's Clearing House, as appropriate.
- (e) Notification shall be made to any other law enforcement agency that took the initial report or participated in the investigation.

316.7.1 UNIDENTIFIED PERSONS

Members investigating a case of an unidentified person who is deceased or a living person who cannot assist in identifying him/herself should:

- (a) Obtain a complete description of the person.
- (b) Enter the unidentified person's description into the NCIC Unidentified Person File.
- (c) Use available resources, such as those related to missing persons, to identify the person.

316.8 CASE CLOSURE

The Detective Section supervisor may authorize the closure of a missing person case after considering the following:

- (a) Closure is appropriate when the missing person is confirmed returned or evidence matches an unidentified person or body.
- (b) If the missing person is a resident of Blue Ash or this department is the lead agency, the case should be kept under active investigation for as long as the person may still be alive. Exhaustion of leads in the investigation should not be a reason for closing a case.

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- (c) If this department is not the lead agency, the case can be made inactive if all investigative leads have been exhausted, the lead agency has been notified and entries are made in the applicable missing person networks, as appropriate.
- (d) A missing person case should not be closed or reclassified because the person would have reached a certain age or adulthood or because the person is now the subject of a criminal or civil warrant.

316.9 TRAINING

Subject to available resources, the Administrative Lieutenant should ensure that members of this department whose duties include missing person investigations and reports receive training that includes:

- (a) The initial investigation:
 - 1. Assessments and interviews
 - 2. Use of current resources, such as Mobile Audio Video (MAV)
 - 3. Confirming missing status and custody status of minors
 - 4. Evaluating the need for a heightened response
 - 5. Identifying the zone of safety based on chronological age and developmental stage
- (b) Briefing of department members at the scene.
- (c) Identifying NCIC Missing Person File categories (e.g., disability, endangered, involuntary, juvenile and catastrophe).
- (d) Verifying the accuracy of all descriptive information.
- (e) Initiating a neighborhood investigation.
- (f) Investigating any relevant recent family dynamics.
- (g) Addressing conflicting information.
- (h) Key investigative and coordination steps.
- (i) Managing a missing person case.
- (j) Additional resources and specialized services.
- (k) Update procedures for case information and descriptions.
- (l) Preserving scenes.
- (m) Internet and technology issues (e.g., internet use, cell phone use).
- (n) Media relations.

Public Alerts

317.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for alerting the public to important information and soliciting public aid when appropriate.

317.2 POLICY

Public alerts may be employed using the Emergency Alert System (EAS), local radio, television and press organizations and other groups to notify the public of incidents, or enlist the aid of the public, when the exchange of information may enhance the safety of the community. Various types of alerts may be available based upon each situation and the alert system's individual criteria.

317.3 RESPONSIBILITIES

317.3.1 EMPLOYEE RESPONSIBILITIES

Employees of the Blue Ash Police Department should notify their supervisor, Shift OIC or Detective Section Supervisor as soon as practicable upon learning of a situation where public notification, a warning or enlisting the help of the media and public could assist in locating a missing person, apprehending a dangerous person or gathering information.

317.3.2 SUPERVISOR RESPONSIBILITIES

A supervisor apprised of the need for a public alert is responsible to make the appropriate notifications based upon the circumstances of each situation. The supervisor shall promptly notify the Chief of Police, the appropriate Bureau Commander and the Public Information Officer (PIO) when any public alert is generated.

The supervisor in charge of the investigation to which the alert relates is responsible for the following:

- (a) Updating alerts
- (b) Canceling alerts
- (c) Ensuring all appropriate reports are completed
- (d) Preparing an after-action evaluation of the investigation to be forwarded to the Bureau Commander

317.4 AMBER ALERTS™

The AMBER™ Alert Plan was created to assist in the identification and location of abducted children under 18 years of age, whose abduction, as determined by a law enforcement agency, poses a credible threat of immediate danger of serious bodily harm or death to the child (ORC § 5502.52). The AMBER Alert utilizes the EAS to broadcast information to the public about the abducted child.

317.4.1 CRITERIA

An AMBER Alert shall not be activated unless (ORC § 5502.52(B)):

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- (a) The Department determines that an abduction has occurred.
- (b) The abducted child is under 18 years of age.
- (c) The child is in immediate danger of serious bodily harm or death.
- (d) The child is not a runaway and has not been abducted as a result of a child custody dispute, unless the dispute poses a credible threat of immediate danger of serious bodily harm or death to the child.
- (e) The Department has sufficient descriptive information about the child, the person who is suspected of abducting the child, or other pertinent information to warrant immediate broadcast of the information to help locate the child.

Absent extenuating circumstances that indicate the AMBER Alert broadcast would endanger an abducted child, the AMBER Alert should be activated as soon as possible after the abduction is discovered.

A Missing Child Alert may be activated if the circumstances about the missing child do not meet the AMBER Alert criteria, but the child is in danger of serious physical harm or death (see the Missing Persons Policy).

317.4.2 PROCEDURE

Upon receiving and verifying a report of an abducted child that meets the criteria of an AMBER Alert, the appropriate area of coverage for the activation should be determined. Activations may cover a county, region, state, or multiple states.

In addition, the activating official shall:

- (a) As soon as practicable enter AMBER Alert data into the Law Enforcement Automated Data System (LEADS)/National Crime Information Center (NCIC) database. Use the endangered or involuntary missing codes and the AMBER Alert code to request an AMBER Alert. An in-state AMBER Alert message will automatically be generated to the following:
 - 1. Adjacent counties
 - 2. Ohio State Highway Patrol Central Dispatch Communications Center in Columbus
 - 3. Ohio Attorney General's Office
 - 4. FBI Child Abduction Unit
 - 5. National Center for Missing and Exploited Children (NCMEC)
 - 6. Ohio media
- (b) Enter a Caution Ohio Police (COP) record into the LEADS database with the suspect's information. Replace the COP entry with a Wanted Person entry as soon as appropriate.
- (c) Use the National Law Enforcement Telecommunications System (NLETS) AMBER screen in LEADS to send a broadcast message to law enforcement in adjacent states when necessary.

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- (d) If access to the LEADS/NCIC computer system is unavailable, contact the Ohio State Highway Patrol for assistance with activation of an AMBER Alert.
- (e) Obtain, whenever possible, consent from the parents, guardian or person having legal custody of the abducted child for the release of photographs, descriptions, and other information necessary to support the AMBER Alert broadcast and search. The inability to obtain verbal or signed consent because of the inability to locate a person capable of providing consent shall not prohibit the activation of an AMBER Alert.

To aid in this process, it is imperative that the activating official be notified of all relevant updates regarding the case investigation that may require modification or termination of the AMBER Alert system.

317.5 MISSING ADULT ALERTS

The Missing Adult Alert Program was created to assist in the location and return of those individuals who are elderly, mentally impaired, or who have autism spectrum disorder or another developmental disability who are at risk of immediate danger of serious bodily injury or death (ORC § 5502.522). Activation of a Missing Adult Alert will automatically cause state media outlets and law enforcement agencies to be notified of the individual's disappearance, as well as the following to occur:

- (a) A toll-free telephone line for tips and information will be activated.
- (b) The Missing Adult Alert website will list information about and display a photograph of the missing adult.
- (c) The Missing Children's Clearing House will be provided with information on the missing adult.
- (d) The Ohio Department of Transportation will be notified to post the information on Ohio's highway signs, when appropriate.

317.5.1 CRITERIA

A Missing Adult Alert shall not be activated unless (ORC § 5502.522(B)):

- (a) The Department confirms that an individual who is 65 years of age or older, who has a mental impairment, or who has autism spectrum disorder or another developmental disability is missing. A mental impairment is a substantial disorder of thought, mood, perception, orientation, or memory that grossly impairs judgment, behavior, or the ability to live independently or provide self-care, as certified by a licensed physician, psychiatrist, or psychologist (ORC § 5502.522(G)(3)).
- (b) The individual is in immediate danger of serious bodily harm or death.
- (c) The Department has sufficient descriptive information about the individual and the circumstances surrounding the individual's disappearance to indicate that activation of the alert will help locate the individual.

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317.5.2 PROCEDURE

Upon receiving and verifying a report of a missing person that meets the criteria of a Missing Adult Alert, the activating agency official will determine the area of coverage for the activation. Activations may cover a county, region, the state or multiple states.

In addition, the activating official shall:

- (a) Immediately enter Missing Adult Alert data into the LEADS/NCIC database with the appropriate code. An in-state alert message will automatically be generated to the following:
 - 1. Adjacent counties
 - 2. Ohio State Highway Patrol Central Dispatch Communications Center in Columbus
 - 3. Ohio Attorney General's Office
 - 4. Ohio media
- (b) Use the NLETS Missing Adult Alert screen in LEADS to send a broadcast message to law enforcement in adjacent states when necessary.
- (c) If access to the LEADS/NCIC computer system is unavailable, contact the Ohio State Highway Patrol for assistance with activation of a Missing Adult Alert.

To aid in this process, it is imperative that the activating official be notified of all relevant updates regarding the case investigation that may require modification or termination of the Missing Adult Alert system.

317.6 BLUE ALERTS

The Blue Alert Program is a statewide system to be utilized for the rapid dissemination of information to assist in the apprehension of persons suspected of killing or seriously injuring law enforcement officers and to aid in the location of missing law enforcement officers (ORC § 5502.53).

317.6.1 CRITERIA

A Blue Alert shall be activated if both of the following criteria exist (ORC § 5502.53):

- (a) The Department confirms that an officer has been seriously injured or killed, and a suspect has not been apprehended, or that an officer is missing while on-duty under circumstances warranting concern for the officer's safety.
- (b) There is sufficient descriptive information about the suspect or the circumstances surrounding an officer's injury, death, or disappearance to indicate that activation of a Blue Alert may help locate a suspect or the missing officer.

317.6.2 PROCEDURE

Upon receiving and verifying that the criteria for a Blue Alert have been met, the appropriate area of coverage for the activation should be determined. Activations may cover a county, region, state, or multiple states.

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In addition, the activating official shall:

- (a) Immediately enter Blue Alert data into the LEADS/NCIC database with the appropriate code. An in-state Blue Alert message will automatically be generated to the following:
 - 1. Adjacent counties
 - 2. Ohio State Highway Patrol Central Dispatch Communications Center in Columbus
 - 3. Ohio Attorney General's Office
 - 4. Ohio media
- (b) Use the NLETS Blue Alert screen in LEADS to send a broadcast message to law enforcement in adjacent states when necessary.
- (c) If access to the LEADS/NCIC computer system is unavailable, contact the Ohio State Highway Patrol for assistance with activation of a Blue Alert.

To aid in this process, it is imperative that the activating official be notified of all relevant updates regarding the case investigation that may require modification or termination of the Blue Alert.

317.7 MEDIA ALERTS

Regardless of whether a public alert is activated, the following procedures to alert the media and other local law enforcement agencies should be followed:

- (a) The PIO will prepare an initial press release that includes all available information that might aid in locating a child, suspect, or missing person, such as:
 - 1. The person's identity, age, and description.
 - 2. A photograph, if available.
 - 3. Pertinent vehicle description.
 - 4. Details regarding the location of the incident, last known direction of travel, and potential destinations, if known.
 - 5. The name and contact number of the PIO or other authorized media liaison.
 - 6. A contact number for the public to call with leads or information.
- (b) The press release should be faxed to local television and radio stations.
- (c) The information in the press release should also be forwarded to local law enforcement agencies.
- (d) The activating official or other individual responsible for making notifications shall prepare and fax to the previously described locations, follow-up press releases with updates regarding the search and investigation or immediately upon locating the person identified in the public alert.

Victim and Witness Assistance

318.1 PURPOSE AND SCOPE

The purpose of this policy is to ensure that crime victims and witnesses receive appropriate assistance, that they are provided with information from government and private resources, and that the agency meets all related legal mandates.

318.2 POLICY

The Blue Ash Police Department is committed to providing guidance and assistance to the victims and witnesses of crime. The employees of the Blue Ash Police Department will show compassion and understanding for victims and witnesses and will make reasonable efforts to provide the support and information identified in this policy.

318.3 CRIME VICTIMS

Officers should provide all victims with the applicable victim information handouts.

Officers should never guarantee a victim's safety from future harm but may make practical safety suggestions to victims who express fear of future harm or retaliation. Officers should never guarantee that a person qualifies as a victim for the purpose of compensation or restitution but may direct him/her to the proper written department material or available victim resources.

318.3.1 SPECIFIC REQUIREMENTS REGARDING VICTIMS

As soon as practicable after initial contact with a victim of a criminal offense or delinquent act, the investigating member shall ensure the victim is provided information required by ORC § 2930.04 including but not limited to (ORC § 109.42; ORC § 2930.01; ORC § 2930.04):

- (a) The Ohio Attorney General Office's Victims' Rights Pamphlet and Information card.
 - 1. The officer investigating the crime should determine whether the victim prefers to receive a paper copy or online access to the pamphlet and provide the same accordingly.
- (b) The Supreme Court's Victim's Rights Request Form and informational page.
 - 1. Officers should comply with requirements of preparing and submitting the form consistent with ORC § 2930.04.
- (c) Additional written information required by ORC § 2930.04, including but not limited to:
 - 1. The availability of crisis intervention services, housing, and emergency and medical services, or contact information for statewide organizations that can direct victims to local resources.
 - 2. Information about public and private victim services programs, including but not limited to the crime victims compensation program and emergency shelter programs, or, if local information is not available, contact information for statewide organizations that can direct a victim to these types of resources.
 - 3. The department report number, if applicable, business telephone number of the Department or other law enforcement agency investigating the victim's case,

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and the office address and business telephone number of the prosecutor in the victim's case, when available.

- (d) The court date and information on how to obtain additional information about the arraignment or initial court appearance when a suspect is cited and released, if applicable.

318.4 VICTIM INFORMATION

The Administration Supervisor shall ensure that victim information handouts are available and current. These should include as appropriate:

- (a) Shelters and other community resources for victims including domestic violence and sexual assault victims.
- (b) Assurance that sexual assault victims will not incur out-of-pocket expenses for forensic medical exams, and information about evidence collection, storage, and preservation in sexual assault cases (34 USC § 10449; 34 USC § 20109).
- (c) An advisement that a person who was arrested may be released on bond or some other form of release and that the victim should not rely upon an arrest as a guarantee of safety.
- (d) A clear explanation of relevant court orders and how they can be obtained.
- (e) Information regarding available compensation for qualifying victims of crime (ORC § 2743.51 et seq.).
- (f) VINE® information (Victim Information and Notification Everyday), including the telephone number and whether this free service is available to allow victims to check on an offender's custody status and to register for automatic notification when a person is released from jail.
- (g) Notice regarding U visa and T visa application processes.
- (h) Resources available for victims of identity theft.
- (i) A place for the officer's name, badge number, and any applicable case or incident number.
- (j) A telephone number that a domestic violence victim can call for information about the case, the telephone number of a domestic violence shelter in the area, and information on any local victim advocate program (ORC § 2935.032 (C)(3)).
- (k) The Ohio Attorney General Office's Victims' Rights Pamphlet and Information card (ORC § 109.42; ORC § 2930.04).
- (l) The Supreme Court Victim's Rights Request Form (ORC § 109.42; ORC § 2930.04).
- (m) Information regarding the Ohio Secretary of State's address confidentiality program (ORC § 111.42).
- (n) Rights afforded to victims under the Ohio Constitution (Article I, Section 10a, Ohio Constitution).

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318.5 WITNESSES

Officers should never guarantee a witness' safety from future harm or that his/her identity will always remain confidential. Officers may make practical safety suggestions to witnesses who express fear of future harm or retaliation.

Officers should investigate allegations of witness intimidation and take enforcement action when lawful and reasonable.

Standards of Conduct

319.1 PURPOSE AND SCOPE

This policy establishes standards of conduct that are consistent with the values and mission of the Blue Ash Police Department and are expected of all department members. The standards contained in this policy are not intended to be an exhaustive list of requirements and prohibitions but they do identify many of the important matters concerning conduct. In addition to the provisions of this policy, members are subject to all other provisions contained in this manual, as well as any additional guidance on conduct that may be disseminated by this department or the member's supervisors.

319.2 POLICY

The continued employment or appointment of every member of the Blue Ash Police Department shall be based on conduct that reasonably conforms to the guidelines set forth herein. Failure to meet the guidelines set forth in this policy, whether on- or off-duty, may be cause for disciplinary action.

319.3 DIRECTIVES AND ORDERS

Members shall comply with lawful directives and orders from any department supervisor or person in a position of authority, absent a reasonable and bona fide justification.

319.3.1 UNLAWFUL OR CONFLICTING ORDERS

Supervisors shall not knowingly issue orders or directives that, if carried out, would result in a violation of any law or department policy. Supervisors should not issue orders that conflict with any previous order without making reasonable clarification that the new order is intended to countermand the earlier order.

No member is required to obey any order that appears to be in direct conflict with any federal law, state law or local ordinance. Following a known unlawful order is not a defense and does not relieve the member from criminal or civil prosecution or administrative discipline. If the legality of an order is in doubt, the affected member shall ask the issuing supervisor to clarify the order or shall confer with a higher authority. The responsibility for refusal to obey rests with the member, who shall subsequently be required to justify the refusal.

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

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The person countermanding the original order shall notify, in writing, the person issuing the original order, indicating the action taken and the reason.

319.3.2 SUPERVISOR RESPONSIBILITIES

Supervisors and managers are required to follow all policies and procedures and may be subject to discipline for:

- (a) Failure to be reasonably aware of the performance of their subordinates or to provide appropriate guidance and control.
- (b) Failure to promptly and fully report any known misconduct of a member to his/her immediate supervisor or to document such misconduct appropriately or as required by policy.
- (c) Directing a subordinate to violate a policy or directive, acquiesce to such a violation, or are indifferent to any such violation by a subordinate.
- (d) The unequal or disparate exercise of authority on the part of a supervisor toward any member for malicious or other improper purpose.

319.4 GENERAL STANDARDS

Members shall conduct themselves, whether on- or off-duty, in accordance with the United States and Ohio constitutions and all applicable laws, ordinances, and rules enacted or established pursuant to legal authority.

Members shall familiarize themselves with policies and procedures and are responsible for compliance with each. Members should seek clarification and guidance from supervisors in the event of any perceived ambiguity or uncertainty.

Discipline may be initiated for any good cause. It is not mandatory that a specific policy or rule violation be cited to sustain discipline. This policy is not intended to cover every possible type of misconduct.

319.5 CAUSES FOR DISCIPLINE

The following are illustrative of causes for disciplinary action. This list is not intended to cover every possible type of misconduct and does not preclude the recommendation of disciplinary action for violation of other rules, standards, ethics and specific action or inaction that is detrimental to efficient department service.

319.5.1 LAWS, RULES AND ORDERS

- (a) Violation of, or ordering or instructing a subordinate to violate any policy, procedure, rule, order, directive, requirement or failure to follow instructions contained in department or City manuals.
- (b) Disobedience of any legal directive or order issued by any department member of a higher rank.
- (c) Violation of federal, state, local or administrative laws, rules or regulations.

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319.5.2 ETHICS

- (a) Using or disclosing one's status as a member of the Blue Ash Police Department in any way that could reasonably be perceived as an attempt to gain influence or authority for non-department business or activity.
- (b) The wrongful or unlawful exercise of authority on the part of any member for malicious purpose, personal gain, willful deceit or any other improper purpose.
- (c) The receipt or acceptance of a reward, fee or gift from any person for service incident to the performance of the member's duties (lawful subpoena fees and authorized work permits excepted).
- (d) Acceptance of fees, gifts or money contrary to the rules of this department and/or laws of the state.
- (e) Offer or acceptance of a bribe or gratuity.
- (f) Misappropriation or misuse of public funds, property, personnel or services.
- (g) Any other failure to abide by the standards of ethical conduct.

319.5.3 DISCRIMINATION, OPPRESSION, OR FAVORITISM

Unless required by law or policy, discriminating against, oppressing, or providing favoritism to any person because of actual or perceived characteristics such as race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, age, disability, economic status, cultural group, veteran status, marital status, and any other classification or status protected by law, or intentionally denying or impeding another in the exercise or enjoyment of any right, privilege, power, or immunity, knowing the conduct is unlawful.

319.5.4 RELATIONSHIPS

- (a) Unwelcome solicitation of a personal or sexual relationship while on-duty or through the use of one's official capacity.
- (b) Engaging in on-duty sexual activity including, but not limited to, sexual intercourse, excessive displays of public affection or other sexual contact.
- (c) Establishing or maintaining an inappropriate personal or financial relationship, as a result of an investigation, with a known victim, witness, suspect or defendant while a case is being investigated or prosecuted, or as a direct result of any official contact.
- (d) Associating with or joining a criminal gang, organized crime and/or criminal syndicate when the member knows or reasonably should know of the criminal nature of the organization. This includes any organization involved in a definable criminal activity or enterprise, except as specifically directed and authorized by this department.
- (e) Associating on a personal, rather than official basis with persons who demonstrate recurring involvement in serious violations of state or federal laws after the member knows, or reasonably should know of such criminal activities, except as specifically directed and authorized by this department.

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319.5.5 ATTENDANCE

- (a) Leaving the job to which the member is assigned during duty hours without reasonable excuse and proper permission and approval.
- (b) Unexcused or unauthorized absence or tardiness.
- (c) Excessive absenteeism or abuse of leave privileges.
- (d) Failure to report to work or to the place of assignment at the time specified and fully prepared to perform duties without reasonable excuse.

319.5.6 UNAUTHORIZED ACCESS, DISCLOSURE, OR USE

- (a) Unauthorized and inappropriate intentional release of confidential or protected information, materials, data, forms, or reports obtained as a result of the member's position with this department.
- (b) Disclosing to any unauthorized person any active investigation information.
- (c) The use of any information, photograph, video, or other recording obtained or accessed as a result of employment or appointment to this department for personal or financial gain or without the express authorization of the Chief of Police or the authorized designee.
- (d) Loaning, selling, allowing unauthorized use, giving away, or appropriating any department property for personal use, personal gain, or any other improper or unauthorized use or purpose.
- (e) Using department resources in association with any portion of an independent civil action. These resources include but are not limited to personnel, vehicles, equipment, and non-subpoenaed records.

319.5.7 EFFICIENCY

- (a) Neglect of duty.
- (b) Unsatisfactory work performance including but not limited to failure, incompetence, inefficiency, or delay in performing and/or carrying out proper orders, work assignments, or the instructions of supervisors without a reasonable and bona fide excuse.
- (c) Concealing, attempting to conceal, removing, or destroying defective or incompetent work.
- (d) Unauthorized sleeping during on-duty time or assignments.
- (e) Failure to notify the Department within 24 hours of any change in residence address or contact numbers.
- (f) Failure to notify the Human Resources Office of changes in relevant personal information (e.g., information associated with benefits determination) in a timely fashion.

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319.5.8 PERFORMANCE

- (a) Failure to disclose or misrepresenting material facts, or making any false or misleading statement on any application, examination form, or other official document, report or form, or during the course of any work-related investigation.
- (b) The falsification of any work-related records, making misleading entries or statements with the intent to deceive or the willful and unauthorized removal, alteration, destruction and/or mutilation of any department record, public record, book, paper or document.
- (c) Failure to participate in, or giving false or misleading statements, or misrepresenting or omitting material information to a supervisor or other person in a position of authority, in connection with any investigation or in the reporting of any department-related business.
- (d) Being untruthful or knowingly making false, misleading or malicious statements that are reasonably calculated to harm the reputation, authority or official standing of this department or its members.
- (e) Disparaging remarks or conduct concerning duly constituted authority to the extent that such conduct disrupts the efficiency of this department or subverts the good order, efficiency and discipline of this department or that would tend to discredit any of its members.
- (f) Unlawful gambling or unlawful betting at any time or any place. Legal gambling or betting under any of the following conditions:
 - (a) While on department premises.
 - (b) At any work site, while on-duty or while in uniform, or while using any department equipment or system.
 - (c) Gambling activity undertaken as part of an officer's official duties and with the express knowledge and permission of a direct supervisor is exempt from this prohibition.
 - (d) Legal sports pools (office pools) are exempt from these prohibitions.
- (g) Improper political activity including:
 - 1. Unauthorized attendance while on-duty at official legislative or political sessions.
 - 2. Solicitations, speeches or distribution of campaign literature for or against any political candidate or position while on-duty or on department property except as expressly authorized by City policy, the employment agreement, or the Chief of Police.
- (h) Engaging in political activities during assigned working hours except as expressly authorized by City policy, the employment agreement, or the Chief of Police.
- (i) Any act on- or off-duty that brings discredit to this department.

319.5.9 CONDUCT

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- (a) Failure of any member to promptly and fully report activities on his/her part or the part of any other member where such activities resulted in contact with any other law enforcement agency or that may result in criminal prosecution or discipline under this policy.
- (b) Unreasonable and unwarranted force to a person encountered or a person under arrest.
- (c) Exceeding lawful peace officer powers by unreasonable, unlawful or excessive conduct.
- (d) Unauthorized or unlawful fighting, threatening or attempting to inflict unlawful bodily harm on another.
- (e) Engaging in horseplay that reasonably could result in injury or property damage.
- (f) Discourteous, disrespectful or discriminatory treatment of any member of the public or any member of this department or the City.
- (g) Use of obscene, indecent, profane or derogatory language while on-duty or in uniform.
- (h) Criminal, dishonest, or disgraceful conduct, whether on- or off-duty, that adversely affects the member's relationship with this department.
- (i) Unauthorized possession of, loss of, or damage to department property or the property of others, or endangering it through carelessness or maliciousness.
- (j) Attempted or actual theft of department property; misappropriation or misuse of public funds, property, personnel or the services or property of others; unauthorized removal or possession of department property or the property of another person.
- (k) Activity that is incompatible with a member's conditions of employment or appointment as established by law or that violates a provision of any employment agreement or contract to include fraud in securing the appointment or hire.
- (l) Initiating any civil action for recovery of any damages or injuries incurred in the course and scope of employment or appointment without first notifying the Chief of Police of such action.
- (m) Any other on- or off-duty conduct which any member knows or reasonably should know is unbecoming a member of this department, is contrary to good order, efficiency or morale, or tends to reflect unfavorably upon this department or its members.

319.5.10 SAFETY

- (a) Failure to observe or violating department safety standards or safe working practices.
- (b) Failure to maintain current licenses or certifications required for the assignment or position (e.g., driver license, first aid).
- (c) Failure to maintain good physical condition sufficient to adequately and safely perform law enforcement duties.
- (d) Unsafe firearm or other dangerous weapon handling to include loading or unloading firearms in an unsafe manner, either on- or off-duty.

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- (e) Carrying, while on the premises of the work place, any firearm or other lethal weapon that is not authorized by the member's appointing authority.
- (f) Unsafe or improper driving habits or actions in the course of employment or appointment.
- (g) Any personal action contributing to a preventable traffic collision.
- (h) Concealing or knowingly failing to report any on-the-job or work-related accident or injury as soon as practicable but within 24 hours.

319.5.11 INTOXICANTS

- (a) Reporting for work or being at work while intoxicated or when the member's ability to perform assigned duties is impaired due to the use of alcohol, medication or drugs, whether legal, prescribed or illegal.
- (b) Possession or use of alcohol at any work site or while on-duty, except as authorized in the performance of an official assignment. A member who is authorized to consume alcohol is not permitted to do so to such a degree that it may impair on-duty performance.
- (c) Unauthorized possession, use of, or attempting to bring a controlled substance, illegal drug or non-prescribed medication to any work site.

Information Technology Use

320.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the proper use of department information technology resources, including computers, electronic devices, hardware, software and systems.

320.1.1 DEFINITIONS

Definitions related to this policy include:

Computer system - All computers (on-site and portable), electronic devices, hardware, software, and resources owned, leased, rented or licensed by the Blue Ash Police Department that are provided for official use by its members. This includes all access to, and use of, Internet Service Providers (ISP) or other service providers provided by or through the Department or department funding.

Hardware - Includes, but is not limited to, computers, computer terminals, network equipment, electronic devices, telephones, including cellular and satellite, pagers, modems or any other tangible computer device generally understood to comprise hardware.

Software - Includes, but is not limited to, all computer programs, systems and applications, including shareware. This does not include files created by the individual user.

Temporary file, permanent file or file - Any electronic document, information or data residing or located, in whole or in part, on the system including, but not limited to, spreadsheets, calendar entries, appointments, tasks, notes, letters, reports, messages, photographs or videos.

320.2 POLICY

It is the policy of the Blue Ash Police Department that members shall use information technology resources, including computers, software and systems, that are issued or maintained by the Department in a professional manner and in accordance with this policy.

320.3 PRIVACY EXPECTATION

Members forfeit any expectation of privacy with regard to emails, texts or anything published, shared, transmitted or maintained through file-sharing software or any Internet site that is accessed, transmitted, received or reviewed on any department computer system.

The Department reserves the right to access, audit and disclose, for whatever reason, any message, including attachments, and any information accessed, transmitted, received or reviewed over any technology that is issued or maintained by the Department, including the department email system, computer network and/or any information placed into storage on any department system or device. This includes records of all keystrokes or Web-browsing history made at any department computer or over any department network. The fact that access to a database, service or website requires a username or password will not create an expectation of privacy if it is accessed through department computers, electronic devices or networks.

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320.4 RESTRICTED USE

Members shall not access computers, devices, software or systems for which they have not received prior authorization or the required training. Members shall immediately report unauthorized access or use of computers, devices, software or systems by another member to their supervisors or Shift OICs.

Members shall not use another person's access passwords, logon information and other individual security data, protocols and procedures unless directed to do so by a supervisor.

320.4.1 SOFTWARE

Members shall not copy or duplicate any copyrighted or licensed software except for a single copy for backup purposes in accordance with the software company's copyright and license agreement.

To reduce the risk of a computer virus or malicious software, members shall not install any unlicensed or unauthorized software on any department computer. Members shall not install personal copies of any software onto any department computer.

When related to criminal investigations, software program files may be downloaded only with the approval of the information systems technology (IT) staff and with the authorization of the Chief of Police or the authorized designee.

No member shall knowingly make, acquire or use unauthorized copies of computer software that is not licensed to the Department while on department premises, computer systems or electronic devices. Such unauthorized use of software exposes the Department and involved members to severe civil and criminal penalties.

Introduction of software by members should only occur as part of the automated maintenance or update process of department- or City-approved or installed programs by the original manufacturer, producer or developer of the software.

Any other introduction of software requires prior authorization from IT staff and a full scan for malicious attachments.

320.4.2 HARDWARE

Access to technology resources provided by or through the Department shall be strictly limited to department-related activities. Data stored on or available through department computer systems shall only be accessed by authorized members who are engaged in an active investigation or assisting in an active investigation, or who otherwise have a legitimate law enforcement or department-related purpose to access such data. Any exceptions to this policy must be approved by a supervisor.

320.4.3 INTERNET USE

Internet access provided by or through the Department shall be strictly limited to department-related activities. Internet sites containing information that is not appropriate or applicable to department use and which shall not be intentionally accessed include, but are not limited to, adult forums, pornography, gambling, chat rooms and similar or related Internet sites. Certain

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exceptions may be permitted with the express approval of a supervisor as a function of a member's assignment.

Downloaded information shall be limited to messages, mail and data files.

320.4.4 OFF-DUTY USE

Members shall only use technology resources provided by the Department while on-duty or in conjunction with specific on-call assignments unless specifically authorized by a supervisor. This includes the use of telephones, cell phones, texting, email or any other "off the clock" work-related activities. This also applies to personally owned devices that are used to access department resources.

Refer to the Personal Communication Devices Policy for guidelines regarding off-duty use of personally owned technology.

320.5 PROTECTION OF AGENCY SYSTEMS AND FILES

All members have a duty to protect the computer system and related systems and devices from physical and environmental damage and are responsible for the correct use, operation, care and maintenance of the computer system.

Members shall ensure department computers and access terminals are not viewable by persons who are not authorized users. Computers and terminals should be secured, users logged off and password protections enabled whenever the user is not present. Access passwords, logon information and other individual security data, protocols and procedures are confidential information and are not to be shared. Password length, format, structure and content shall meet the prescribed standards required by the computer system or as directed by a supervisor and shall be changed at intervals as directed by IT staff or a supervisor.

It is prohibited for a member to allow an unauthorized user to access the computer system at any time or for any reason. Members shall promptly report any unauthorized access to the computer system or suspected intrusion from outside sources (including the Internet) to a supervisor.

320.6 INSPECTION OR REVIEW

A supervisor or the authorized designee has the express authority to inspect or review the computer system, all temporary or permanent files, related electronic systems or devices, and any contents thereof, whether such inspection or review is in the ordinary course of his/her supervisory duties or based on cause.

Reasons for inspection or review may include, but are not limited to, computer system malfunctions, problems or general computer system failure, a lawsuit against the Department involving one of its members or a member's duties, an alleged or suspected violation of any department policy, a request for disclosure of data, or a need to perform or provide a service.

The IT staff may extract, download or otherwise obtain any and all temporary or permanent files residing or located in or on the department computer system when requested by a supervisor or during the course of regular duties that require such information.

Report Preparation

321.1 PURPOSE AND SCOPE

Report preparation is a major part of each employee's job. The purpose of reports is to document sufficient information to refresh the employee's memory and to provide sufficient information for follow-up investigation and successful prosecution. Report writing is the subject of substantial formal and on-the-job training.

321.1.1 REPORT PREPARATION

Employees should ensure that their reports are sufficiently detailed for their purpose and reasonably free of errors prior to submission. It is the responsibility of the assigned employee to complete and submit all reports taken during the shift before going off-duty, unless permission to delay submission of the report has been approved by a supervisor. Generally, reports requiring prompt follow-up action on active leads or arrest reports where the suspect remains in custody should not be delayed.

Handwritten reports must be prepared legibly. If the report is not prepared legibly, the submitting employee will be required by the reviewing supervisor to promptly make corrections and resubmit the report. Employees who generate reports on computers are subject to all requirements of this policy.

All reports shall accurately reflect the identity of the persons involved, witnesses, all pertinent information seen, heard or assimilated by any other sense and any actions taken. Employees shall not suppress, conceal or distort the facts of any reported incident, nor shall any employee make a false report orally or in writing. Generally, the reporting employee's opinions should not be included in reports unless specifically identified as such.

321.2 REQUIRED REPORTING

Written reports are required in all of the following situations on the appropriate department-approved form unless otherwise approved by a supervisor.

321.2.1 CRIMINAL ACTIVITY

When a member responds to a call for service or as a result of self-initiated activity becomes aware of any activity where a crime has occurred, the member shall document the incident regardless of whether a victim desires prosecution.

Activity to be documented in a written report includes:

- (a) All arrests
- (b) All felony crimes
- (c) Non-felony incidents involving threats or stalking behavior
- (d) Situations covered by separate policy. These include:
 - 1. Use of Force Policy

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2. Domestic Violence Policy
3. Child Abuse Policy
4. Adult or Vulnerable Person Abuse Policy
5. Hate or Prejudice Crimes Policy
6. Suspicious Activity Reporting Policy

- (e) All misdemeanor crimes where the victim desires a report

Misdemeanor crimes where the victim does not desire a report shall be documented using the department-approved alternative reporting method (e.g., dispatch log).

321.2.2 NON-CRIMINAL ACTIVITY

The following incidents shall be documented using the appropriate approved report:

- (a) Anytime an officer points a firearm at any person. If the incident does not qualify for a use of force report, it may be documented in the associated incident report or a non-criminal incident report.
- (b) Any use of force by a member of this department (see the Use of Force Policy).
- (c) Any firearm discharge (see the Firearms and Qualification Policy).
- (d) Anytime a person is reported missing (regardless of jurisdiction) (see the Missing Person Policy).
- (e) Any found property or found evidence.
- (f) Any traffic collisions above the minimum reporting level (see the Traffic Collision Response and Reporting Policy).
- (g) Suspicious incidents that may indicate a potential for crimes against children, or that a child's safety is in jeopardy.
- (h) All protective custody detentions.
- (i) Suspicious incidents that may place the public or others at risk.
- (j) Whenever the employee believes the circumstances should be documented or at the direction of a supervisor.

321.2.3 DEATH REPORTS

Reports shall be completed by the handling employee. All deaths shall be handled in compliance with the Death Investigation Policy.

321.2.4 INJURY OR DAMAGE BY CITY PERSONNEL

Reports shall be taken if an injury occurs that is a result of an act of a City employee. Reports also shall be taken when there is damage to City property or City equipment.

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321.2.5 MISCELLANEOUS INJURIES

Any injury that is reported to this department shall require a report when:

- (a) The injury is a result of a drug overdose.
- (b) There is an attempted suicide.
- (c) The injury is major or serious, whereas death could result.
- (d) The circumstances surrounding the incident are suspicious in nature and it is desirable to record the event.

The above reporting requirements are not intended to be all-inclusive. A supervisor may direct an employee to document any incident he/she deems necessary.

321.3 GENERAL POLICY OF EXPEDITIOUS REPORTING

In general, all employees and supervisors shall act with promptness and efficiency in the preparation and processing of all reports. An incomplete report, unorganized reports or reports delayed without supervisory approval are not acceptable. Reports shall be processed according to established priorities or according to special priority necessary under exceptional circumstances.

321.4 REPORT CORRECTIONS

Supervisors shall review reports for content and accuracy. If a correction is necessary, the reviewing supervisor should advise the reporting employee of the reasons for rejection as soon as practicable. It shall be the responsibility of the originating employee to ensure that any report returned for correction is processed in a timely manner.

Media Relations

322.1 PURPOSE AND SCOPE

This policy provides guidelines for media releases and media access to scenes of disasters, criminal investigations, emergencies and other law enforcement activities allowing the prompt release of records in accordance with the mandates of the Ohio Public Records Law (ORC § 149.43).

322.2 RESPONSIBILITIES

The ultimate authority and responsibility for the release of information to the media shall remain with the Chief of Police. However, in situations not warranting immediate notice to the Chief of Police and in situations where the Chief of Police has given prior approval, Bureau Commanders, Shift OICs and the designated Public Information Officer may prepare and release information to the media in accordance with this policy and the applicable law.

322.2.1 MEDIA REQUEST

Any media request for information or access to a law enforcement situation shall be referred to the designated Department media representative, or if unavailable, to the first available supervisor. Prior to releasing any information to the media, employees shall consider the following:

- (a) At no time shall any employee of this department make any comment or release any official information to the media without prior approval from a supervisor or the designated Department media representative.
- (b) In situations involving multiple law enforcement agencies, every reasonable effort should be made to coordinate media releases with the authorized representative of each involved agency prior to the release of any information by this department.
- (c) Under no circumstance should any member of this department make any comments to the media regarding any law enforcement incident not involving this department without prior approval of the Chief of Police.

322.3 MEDIA ACCESS

Authorized and bona fide members of the media should be provided access to scenes of disasters, criminal investigations, emergencies and other law enforcement activities (ORC § 2917.13(B)). Access by the media is subject to the following conditions:

- (a) The media representative shall produce valid press credentials that shall be prominently displayed at all times while in areas otherwise closed to the public.
- (b) Media representatives may be prevented from interfering with emergency operations and criminal investigations.
 - 1. Reasonable effort should be made to provide media representatives with access to a media command post, separate from the operations command post, near the location of the incident providing it will not interfere with emergency operations or a criminal investigation.

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- (c) No member of this department shall be required to submit to media visits or interviews without the consent of the involved employee.
- (d) Media interviews with individuals who are in custody shall not be permitted unless in compliance with a jail facility policy. Exceptions are only permitted with the approval of the Chief of Police and the express written consent of the person in custody.

A tactical operation should be handled in the same manner as a crime scene, except the news media shall be permitted within the outer perimeter of the scene, subject to any restrictions as determined by the supervisor in charge. Department members shall not jeopardize a tactical operation in order to accommodate the news media. All comments to the media shall be coordinated through a supervisor or the Public Information Officer.

322.3.1 TEMPORARY FLIGHT RESTRICTIONS

Whenever the presence of media or other aircraft pose a threat to public or officer safety or significantly hamper incident operations, the field supervisor should consider requesting a Temporary Flight Restriction (TFR). All requests for a TFR should be routed through the Shift OIC. The TFR request should include specific information regarding the perimeter and altitude necessary for the incident. It should be requested through the appropriate control tower. If the control tower is not known, the Federal Aviation Administration (FAA) should be contacted (14 CFR § 91.137).

322.3.2 PROVIDING ADVANCE INFORMATION

To protect the safety and rights of officers and other persons, advance information about planned actions by law enforcement personnel, such as movement of persons in custody or the execution of an arrest or search warrant, should not be disclosed to the news media nor should media representatives be invited to be present at such actions except with the prior approval of the Chief of Police.

Any exceptions to the above should only be considered for the furtherance of legitimate law enforcement purposes. Prior to approving any exception, the Chief of Police will consider, at minimum, whether the release of information or presence of the media would unreasonably endanger any individual, prejudice the rights of any person or is otherwise prohibited by law.

322.4 SCOPE OF INFORMATION SUBJECT TO RELEASE

The Department will maintain a weekly information summary of significant law enforcement activities that shall be made available, upon request, to media representatives through the records clerk. This summary will consist of data classified as public and should generally contain:

- (a) The date, time, location, case number, type of crime, extent of injury or loss and names of individuals (except confidential informants) involved in crimes occurring within this jurisdiction, unless the release of such information would endanger the safety of any individual or jeopardize the successful completion of any ongoing investigation.
- (b) The date, time, location, case number, name, birth date and charges for each person arrested by this department, unless the release of such information would endanger

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the safety of any individual or jeopardize the successful completion of any ongoing investigation.

- (c) The time and location of other significant law enforcement activities or requests for service with a brief summary of the incident subject to the restrictions of this policy and applicable law.

Identifying information concerning deceased individuals should only be released to the media when the decedent's identity has been verified and the release is approved by a supervisor.

Any requests for copies of related reports or additional information not contained in this summary shall be referred to the designated media representative, the custodian of records, or if unavailable, to the shift supervisor. Such requests will generally be processed in accordance with the provisions of the Ohio Public Records Act (ORC § 149.43). Questions concerning the mandates of the Ohio Public Records Act should be resolved through legal counsel.

322.4.1 STATE RESTRICTED INFORMATION

It shall be the responsibility of the authorized employee dealing with media requests to ensure that restricted information is not inappropriately released to the media by this department (see the Records Maintenance and Release and the Personnel Records policies). When in doubt, authorized and available legal counsel should be obtained.

Subpoenas and Court Appearances

323.1 PURPOSE AND SCOPE

This policy establishes the guidelines for department members who must appear in court. It will allow the Blue Ash Police Department to cover any related work absences and keep the Department informed about relevant legal matters.

323.2 COURT SUBPOENAS AND NOTIFIES

Employees who receive subpoenas or court notices related to their employment with this department are subject to the provisions of this policy. Employees should be aware that their compliance is mandatory on all cases for which they have been properly subpoenaed or properly notified. This policy applies to civil and criminal subpoenas and notices. Employees are expected to cooperate with the prosecution to ensure the successful conclusion of a case.

An officer is relieved from their duty to appear pursuant to a court notify if:

- (a) A supervisor notifies them that they are not needed (i.e. multiple officers notified on a case where all are not needed).
- (b) The officer makes arrangements with the prosecutor to be on call or otherwise relieved from appearing.

323.2.1 EMPLOYEES UNABLE TO ATTEND COURT

Training, vacations and regularly scheduled days off are not valid reasons for missing court. It is the employees responsibility to contact the prosecutor to make arrangements to be relieved of their duty to appear.

If, due to illness or injury, the named employee is unable to appear in court as directed by a previously served subpoena or notify, the employee shall, as soon as reasonably possible, inform the Shift OIC of the expected absence. It shall then be the responsibility of the shift OIC to notify the issuing authority of the employee's unavailability to appear.

323.2.2 OFF-DUTY RELATED SUBPOENAS

Members receiving valid subpoenas for off-duty actions not related to their employment or appointment will not be compensated for their appearance. Arrangements for time off shall be coordinated through their immediate supervisors.

323.2.3 LATE NOTIFIES

If an officer receives an urgent or late court notify and is not due to work before the scheduled appearance, the dispatcher will page the officer and advise the shift OIC.

323.3 CIVIL SUBPOENAS NOT INVOLVING A GOVERNMENT PARTY

The Department will compensate employees who appear in their official capacity on civil matters arising out of the employee's official duties.

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Subpoenas and Court Appearances

323.4 COURTROOM PROTOCOL

When appearing in court, members shall:

- (a) Be punctual and prepared to proceed immediately with the case for which they are scheduled to appear.
- (b) Dress in the department uniform or business attire.
- (c) Observe all rules of the court in which they are appearing and remain alert to changes in the assigned courtroom where their matter is to be heard.

Carry of a firearm by officers into court rooms or court buildings is subject to local court security rules and shall only be permitted while the officer is acting within the scope of his/her duties as determined by the Chief of Police (ORC § 2923.123). When armed, officers shall carry their badge and Department identification.

323.4.1 TESTIMONY

Before the date of testifying, the subpoenaed member shall request a copy of relevant reports and become familiar with the content in order to be prepared for court.

323.5 POLICY

Blue Ash Police Department members will respond appropriately to all subpoenas and any other court-ordered appearances.

Reserve and Auxiliary Officers

324.1 PURPOSE AND SCOPE

The Auxiliary Police Officer position was established to supplement the work of full-time police officers. (ORC § 737.051).

324.2 SELECTION AND APPOINTMENT OF AUXILIARY POLICE OFFICERS DEPUTIES

The Blue Ash Police Department shall endeavor to recruit and appoint only those applicants who meet the high ethical, moral and professional standards set forth by this department.

Auxiliary Police Officers who hold certification by the Ohio Peace Officer Training Commission (OPOTC) under ORC § 109.71 are considered peace officers.

324.2.1 PROCEDURE

All applicants shall be required to meet and pass the same pre-employment procedures as sworn police officers before appointment.

Before appointment as an Auxiliary Police Officer, an applicant must have completed a state-approved basic academy or extended basic academy (OAC § 109:2-1-03(A)(1)).

324.2.2 APPOINTMENT

Applicants who are selected for appointment as an Auxiliary Police Officer shall, on the recommendation of the Chief of Police, be sworn in by the appointing authority and take the Oath of Office as required for the position. Auxiliary Police Officers serve at the appointing authority's discretion.

An Auxiliary Police Officer shall complete the minimum training required by OPOTC, unless prior training in another state, the military or other certifying entity has been deemed equivalent by OPOTC. Upon completion of the required hours of training, the applicant must take and pass the state certification examination.

324.2.3 EMPLOYEES WORKING AS AUXILIARY OFFICERS

Qualified employees of this department, when authorized, may also serve as auxiliary officers. However, the Department shall not utilize the services of an auxiliary in such a way that it would violate employment laws or labor agreements (29 CFR 553.30).

324.3 DUTIES OF AUXILIARY OFFICERS

Auxiliary officers assist regular officers in the enforcement of laws and in maintaining peace and order within the community. Assignments of auxiliary officers will usually be to augment the Operations Bureau. Auxiliary officers may be assigned to other areas within the Department as needed.

Auxiliary officers may act only in a supplementary capacity to the regular force.

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324.3.1 POLICY COMPLIANCE

Auxiliary officers shall be required to adhere to all Department policies and procedures. A copy of the policies and procedures will be made available to each auxiliary officer upon appointment and he/she shall become thoroughly familiar with these policies.

Whenever a rule, regulation or guideline in the Policy Manual refers to a sworn full-time officer, it shall also apply to a sworn auxiliary officer, unless by its nature it is inapplicable.

324.3.2 AUXILIARY OFFICER ASSIGNMENTS

All auxiliary officers will be assigned to duties by the Patrol Bureau Commander or designee.

324.4 FIELD TRAINING

All auxiliary officers are required to complete field training.

324.5 SUPERVISION

Auxiliary officers shall be under the immediate supervision of the shift OIC and may not be employed as a full-time officer.

324.5.1 IDENTIFICATION OF OFFICERS

All auxiliary officers will be issued a uniform badge and a Department identification card. The uniform badge shall be the same as that worn by a regular full-time officer. The identification card will be the standard identification card with the exception that "Auxiliary" will be indicated on the card.

324.6 TRAINING REQUIREMENTS

Auxiliary officers are required to meet the training requirements applicable to full-time sworn officers as outlined in the Training Policy.

324.7 FIREARMS

Reserve and auxiliary officers shall successfully complete Department-authorized training in the use of firearms and have their appointment approved by the City prior to being issued a Department firearm or otherwise acting as an officer on behalf of the Blue Ash Police Department (OAC § 109:2-1-12(A)(2)).

Reserve and auxiliary officers will be issued a duty firearm as specified in the Firearms Policy. Any reserve or auxiliary officer who is permitted to carry a firearm other than the assigned duty weapon or any optional firearm may do so only in compliance with the Firearms Policy.

324.8 REPORTS TO THE OHIO PEACE OFFICER TRAINING COMMISSION

This department shall report the following information regarding auxiliary officers to OPOTC pursuant to ORC § 109.761:

- (a) Within 10 days, any appointment or employment as a auxiliary officer.
- (b) Within 10 days, any termination, resignation, felony conviction, death or guilty plea as an auxiliary officer.

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- (c) Annually, a roster of all auxiliary officers.

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325.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance to members when requesting or responding to a request for mutual aid or when assisting another law enforcement agency.

325.2 ASSISTING OUTSIDE AGENCIES

Generally, requests for any type of assistance from another agency should be routed to the Shift OIC's office for approval. In some instances, a memorandum of understanding or other established protocol may exist that eliminates the need for approval of individual requests.

When another law enforcement agency requests assistance from department, the Shift OIC may authorize, if available, an appropriate number of personnel to assist. Members are reminded that their actions when rendering assistance must conform with applicable laws and be consistent with the policies of this department.

Officers may respond to a request for emergency assistance, however, they shall notify a supervisor of their activity as soon as practicable.

Arrestees may be temporarily detained by this department until arrangements for transportation are made by the outside agency.

A sheriff may request aid, and this department is required to furnish aid, as is practicable (ORC § 311.07(B)).

325.2.1 INITIATED ACTIVITY

Any on-duty officer who engages in law enforcement activities of any type that are not part of a mutual aid request and take place outside the jurisdiction of the Blue Ash Police Department shall notify his/her supervisor or the Shift OIC and Dispatch as soon as practicable. This requirement does not apply to special enforcement details or multi-agency units that regularly work in multiple jurisdictions.

325.2.2 PROVIDING LAW ENFORCEMENT SERVICES

The Department may also provide law enforcement services at the direction of the Chief of Police, as authorized by resolution of the City legislative authority (ORC § 505.431; ORC § 511.236; ORC § 737.041).

[See attachment: Mutual Aid 2013.pdf](#)

325.3 REQUESTING OUTSIDE ASSISTANCE

If assistance is needed from another agency, the member requesting assistance should, if practicable, first notify a supervisor. The handling member or supervisor should direct assisting personnel to where they are needed and to whom they should report when they arrive.

The requesting member should arrange for appropriate radio communication capabilities, if necessary and available, so that communication can be coordinated between assisting personnel.

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325.4 REPORTING REQUIREMENTS

Incidents of outside assistance or law enforcement activities should be noted in CAD. Those incidents that result in an arrest or use of force will be documented in the appropriate criminal and assist other agency report. Any non-criminal incident unique in nature, as determined by the Shift OIC, will be documented with an assist other agency report.

325.4.1 COOPERATIVE LAW ENFORCEMENT WITHOUT REQUEST

The Agencies recognize that criminal activities routinely occur across jurisdictional lines, and that cooperation between Agencies can increase the effectiveness of law enforcement throughout Hamilton County. Any Agency may proceed without request from a cooperating Agency generally according to the following guidelines:

(a) In-Progress Crime Assistance Without Request

1. Whenever an on-duty law enforcement officer from one jurisdiction views or otherwise has probable cause to believe a criminal offense has occurred outside the officer's home jurisdiction but within the jurisdiction of a cooperating Agency, the officer may make arrests according to law and take any measures necessary to preserve the crime scene. Control of any arrested persons, evidence and the crime scene shall be relinquished to the first available officer from the jurisdiction within which the crime took place. The arresting officer may transport or relocate any arrested persons or evidence if the officer determines that remaining at the crime scene could endanger the officer or others, or threaten the preservation of evidence.
2. Whenever an on-duty law enforcement officer from one jurisdiction views or otherwise has probable cause to believe that a "serious traffic offense" has occurred within the jurisdiction of another cooperating Agency, the law enforcement officer may stop, arrest or cite the suspected violator according to law. Under this Agreement, a "serious traffic offense" is one which jeopardizes public safety and/or constitutes a misdemeanor of the fourth degree or a higher offense. The traffic violator shall be turned over to the first available officer from the cooperating Agency for completion of all necessary processing. The initiating officer shall provide any further assistance to the extent necessary for subsequent court proceedings.

(b) Investigations Outside Original Jurisdiction

1. On-duty officers from one Agency may, without request or prior notice, continue to conduct investigations that originate within their home jurisdiction into the jurisdiction of any cooperating Agency. If enforcement action is anticipated, the location and nature of the investigation shall be reported to the appropriate cooperating Agency as soon as practicable. Subsequent arrests, search warrant service or similar police actions shall be coordinated between affected Agencies.

(c) Independent Police Action

1. The police department of any cooperating Agency may provide temporary police service to any cooperating Agency without request.

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325.4.2 COOPERATIVE LAW ENFORCEMENT UPON REQUEST

The Agencies recognize that special public safety incidents occasionally require the services of additional law enforcement personnel. Such additional services may be provided by or to any cooperating Agency generally according to the following guidelines:

(a) Dangerous Criminal Activity

1. Whenever one Agency reports criminal activity, and that Agency is unable to provide the immediate response necessary to prevent death, serious physical harm or substantial property loss as a result of such criminal activity, the Agency may request police services of any nature from any other Agency.

(b) Searches for Fugitive or Wanted Person

1. Whenever one Agency conducts a search for a fugitive person whose presence is reasonably believed to be within the Agency jurisdiction, and immediate police assistance is reasonably necessary to apprehend or prevent the escape of the fugitive or to protect the safety of persons and property from imminent danger related to the fugitive, the Agency may request police services from any other Agency.

(c) Traffic Control Assistance

1. Whenever a traffic accident involving suspected injuries, operating a vehicle while impaired ("OVI") or other serious traffic offense is reported to the jurisdiction in which the accident occurred, and the Agency is unable to provide the immediate response necessary to render aid to the injured, prevent further injury, prevent serious property loss, or arrest a suspected OVI violator, the Agency may request assistance from any other Agency. The cooperative effort may include necessary first aid, traffic control, accident scene protection, property protection, and detention of any suspected OVI or serious traffic violator.

2. Hazardous Traffic Conditions Assistance

- (a) Whenever automated traffic control devices located within the jurisdictional boundaries of one Agency have malfunctioned and there is substantial or other serious risk of a traffic accident unless control is re-established, assistance from another cooperating Agency may be provided upon request of the affected jurisdiction.
- (b) Whenever an incident occurs on or near a roadway creating substantial or other serious risk of a traffic accident, assistance from a cooperating Agency may be provided upon request of the affected jurisdiction.

(d) General Police Service

1. Any incident may form the basis for the request of police services from one or more cooperating Agencies when police assistance is reasonably necessary to protect the safety of persons and/or property.
2. Police services, including but not limited to routine patrol services, may be requested and supplied by cooperating Agencies for limited-time special events

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or for extended time periods based on need. Such services may include the facilitation of personnel by their employing Agency for the provision of police protection to a requesting Agency for voluntary, special event details performed while such personnel are not on duty for the employing Agency ("Off-Duty Details"). No Agency is required to facilitate or otherwise provide volunteer personnel for Off-Duty Details. Moreover, any Agency may prohibit its personnel from engaging in such Off-Duty Details to the extent allowed by law.

325.5 POLICY

It is the policy of the Blue Ash Police Department to promptly respond to requests for assistance by other law enforcement agencies, subject to available resources and consistent with the applicable laws and policies of this department.

Major Incident Notification

326.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance to members of this department in determining when, how and to whom notification of major incidents should be made.

326.2 POLICY

The Blue Ash Police Department recognizes that certain incidents should be brought to the attention of supervisors or other specified personnel of this department to facilitate the coordination of activities and ensure that inquiries from the media and the public may be properly addressed.

326.3 MINIMUM CRITERIA FOR NOTIFICATION

Most situations where the media show a strong interest are also of interest to the Chief of Police and the other command staff. The following list of incident types is provided as a guide for notification and is not intended to be all inclusive:

- Homicides, suspicious deaths or deaths related to law enforcement activity
- Traffic collisions with fatalities or severe injuries
- Officer-involved shooting, whether on- or off-duty (See Officer-Involved Shootings and Deaths Policy for special notifications) and vehicle pursuits that are extended or prolonged
- Significant injury or death to an employee, whether on- or off-duty
- Death of a prominent Blue Ash official
- Arrest of Department employee or prominent Blue Ash official
- Air crash or boat, train or bus collision with major damage and/or injury or death
- In-custody deaths
- Crimes of unusual violence or circumstances that may include hostages, barricaded persons, home invasions, armed robbery or sexual assaults
- Equipment failures, utility failures and incidents that may affect staffing or pose a threat to basic police services
- Any other incident, which has or is likely to attract significant media attention

326.4 SHIFT OIC RESPONSIBILITIES

The Shift OIC is responsible for making the appropriate notifications. The Shift OIC shall make reasonable attempts to obtain as much information on the incident as possible before notification, and shall attempt to make the notifications as soon as practicable. Notification should be made by using the call notification protocol posted in Dispatch.

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Major Incident Notification

326.4.1 STAFF NOTIFICATION

In the event an incident occurs as identified in the Minimum Criteria for Notification above, the Chief of Police shall be notified along with the other command staff.

326.4.2 DETECTIVE CALL-OUT NOTIFICATION

If the incident requires that an officer or investigator respond from home, the investigations section supervisor shall be contacted.

326.4.3 TRAFFIC CRASH TEAM OIC NOTIFICATION

In the event of a traffic fatality or major injury, the sergeant in charge of the traffic crash team shall be notified, who will then contact the appropriate team members.

Death Investigation

327.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for situations where officers initially respond to and investigate the circumstances of a deceased person.

Some causes of death may not be readily apparent and some cases differ substantially from what they appear to be initially. The thoroughness of death investigations and use of appropriate resources and evidence gathering techniques is critical.

327.2 PROCEDURE

Upon the discovery of a dead or dying person, the first police officer at the scene shall:

- (a) Determine that conditions at the scene pose no hazard to the safety of police and EMS personnel who are about to enter.
- (b) Summon the Blue Ash Fire Department EMS to the scene in order to render life-saving measures and/or to verify death.
- (c) Arrest or detain any potential suspect or witness as warranted.
- (d) Summon the shift O.I.C. to the scene.
- (e) Secure the scene to prevent destruction of evidence.
 1. Death scenes will be secured by the first officer on the scene. The scene and investigation will be relinquished by this officer to the following, regardless of rank structure:
 - (a) The first shift supervisor to arrive on scene.
 - (b) The first detective or Detective Section supervisor to arrive on scene.
- (f) Begin a preliminary inquiry into the identity of the victim and the prevailing circumstances.
 1. An offense or an aided case report (according to circumstances) will be prepared, and a death investigation supplement report will be completed and attached to the offense or aided case report.
 - (a) Should the victim be transported to the hospital under artificial life support but is dead on arrival at the Emergency Room, the above reports and investigation are still necessary. The status of the victim at the Emergency Room will necessitate communication by the officer with EMS personnel or with Emergency Room personnel.
 - (b) Should the victim be transported to the hospital under artificial life support and not expire, an offense or aided case report will still be necessary.

327.3 SUPERVISOR RESPONSIBILITIES

The shift supervisor, upon arrival at the scene, will assess the circumstances; determine the type of death or pending death; and utilize one of the following guidelines:

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327.3.1 ACCIDENTAL DEATH

In cases of accidental death, defined as death due to: industrial accident, fire, drowning, carbon monoxide poisoning, exposure, explosion, electrocution, crushing, cutting, auto erotic act, poisoning, hanging, strangulation, firearms discharge, suffocation or falls:

- (a) Notify the on-duty or on-call detective to respond to the scene to conduct the investigation.
 - 1. Depending on the circumstances, the detective may request additional detectives to the scene to assist in processing.
- (b) Notify the Police Command Staff and Detective Section supervisor.

327.3.2 SUDDEN DEATH

In cases of sudden death, defined as: sudden infant death, death due to unknown means and without signs of foul play, or death due to alcoholism or drug abuse:

- (a) Notify the on-duty or on-call detective to respond to the scene to conduct the investigation.
 - 1. Depending on the circumstances, the detective may request additional detectives to the scene to assist in processing.
- (b) Notify the Police Command Staff and Detective Section supervisor.

327.3.3 SUICIDE, HOMICIDE, FOUL PLAY, OR IN CUSTODY DEATH

In cases of suicidal death, homicidal death, death with foul play suspected, or death while in police custody:

- (a) Notify the on-duty or on-call detective and Detective Section supervisor to respond to the scene to conduct the investigation.
 - 1. Depending on the circumstances, the detective may request additional detectives to the scene to assist in processing.
- (b) Notify the Police Command Staff and Detective Section supervisor.

327.3.4 VEHICLE ACCIDENT DEATH

In cases of death due to the vehicle accidents, including: aircraft crashes, automobile crashes, aggravated vehicular homicide, and vehicular homicide:

- (a) Notify the on-duty or on-call Traffic Safety officer to respond to the scene.
 - 1. Depending on the circumstances, the TSO may request additional traffic crash team members and/or detectives to the scene to assist in processing.
 - 2. The Traffic Safety officer will be responsible for coordinating the investigation, and will serve as liaison officer with Coroner's Office personnel and/or Federal Aviation Administration personnel.
- (b) Notify the Police Command Staff and the sergeant in charge of the traffic crash team.

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327.3.5 NATURAL DEATH

In cases of natural deaths, defined as but not limited to: death while under a doctor's care for a terminal illness, death while under a doctor's care for a life-threatening illness, or death with a medical history of a life-threatening illness:

- (a) Have a responding officer on the scene handle the report and investigation.
- (a) A crime scene technician may be summoned; however, extensive scene processing is not mandatory.

327.3.6 DEATH OF INDIGENT PERSON

In the case of a death that is not a coroner's case and the decedent is believed to be an indigent person, the shift supervisor will follow the City of Blue Ash's document titled "Guidelines Relating to Deceased Indigents".

[See attachment: Guidelines Relating to Deceased Indigents](#)

327.4 INVESTIGATION CONSIDERATIONS

Death investigation cases require certain actions be taken. Emergency Medical Services shall be called in all suspected death cases unless the death is obvious (e.g., decapitated or decomposed). A supervisor shall be notified in all death investigations.

327.4.1 CORONER REQUEST

The Coroner shall be called and notified of all known facts concerning the time, place, manner and circumstances in all sudden or unexpected deaths or deaths due to other than natural causes including, but not limited to (ORC § 313.12(A)):

- (a) Unnatural deaths, including violent deaths arising from homicide, suicide or accident.
- (b) Deaths due to a fire or associated with burns or chemical, electrical or radiation injury.
- (c) Unexplained or unexpected perinatal and postpartum maternal deaths.
- (d) Deaths under suspicious, unusual or unexpected circumstances.
- (e) Deaths of persons whose bodies are to be cremated or otherwise disposed of so that the bodies will later be unavailable for examination.
- (f) Deaths of inmates of public institutions and persons in custody of law enforcement officers who have not been hospitalized primarily for organic disease.
- (g) Deaths that occur during, in association with, or as the result of diagnostic, therapeutic or anesthetic procedures.
- (h) Deaths due to culpable neglect.
- (i) Stillbirths of 20 weeks or longer gestation unattended by a physician.
- (j) Sudden deaths of persons not affected by recognizable disease.
- (k) Unexpected deaths of persons notwithstanding a history of underlying disease.

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- (l) Deaths in which a fracture of a major bone, such as a femur, humerus or tibia, has occurred within the past six months.
- (m) Deaths unattended by a physician occurring outside of a licensed health care facility or licensed residential hospice program.
- (n) Deaths of persons not seen by their physician within 120 days of demise.
- (o) Deaths of persons occurring in an emergency department.
- (p) Stillbirths or deaths of newborn infants in which there has been maternal use of or exposure to unprescribed controlled substances, including street drugs, or in which there is history or evidence of maternal trauma.
- (q) Unexpected deaths of children.
- (r) Solid organ donors.
- (s) Unidentified bodies.
- (t) Skeletonized remains.
- (u) Unexpected deaths occurring within 24 hours of arrival at a health care facility.
- (v) Deaths associated with the decedent's employment.
- (w) Deaths of nonregistered hospice patients or patients in non-licensed hospice programs.
- (x) Deaths attributable to acts of terrorism.
- (y) Death of a developmentally disabled person, regardless of the circumstances.

327.4.2 SEARCHING DEAD BODIES

The Coroner or the Coroner's assistants and authorized investigators are generally the only persons permitted to move, handle, or search a body known to be dead.

An officer is permitted to make a reasonable search of an individual who it is reasonable to believe is dead, or near death, for a document of gift or other information identifying the individual as a donor or as an individual who made a refusal (ORC § 2108.12(A)(1)). If a donor document is located, the Coroner shall be promptly notified.

Should exigent circumstances indicate to an officer that any other search of a known dead body is warranted prior to the arrival of the Coroner, the investigating officer should first obtain verbal consent from the Coroner.

Whenever personal effects are removed from the body of the deceased by the Coroner, a receipt shall be obtained. This receipt shall be attached to the death report.

Whenever reasonably possible, a witness, preferably a relative of the deceased or a member of the household, should be requested to remain nearby the scene and available to the officer, pending the arrival of the Coroner.

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The name and address of this person shall be included in the narrative of the death report.

327.4.3 DEATH NOTIFICATION

Officers investigating a traffic collision and who discover any person who is deceased or is pronounced dead at the scene, or who suffers a serious, life-threatening injury in a motor vehicle accident, is responsible for identifying the person and notifying the person's next of kin (ORC § 4501.80).

Identification of victims and notification should be done without delay although proper and accurate identification of victims is necessary prior to making any notification to the next of kin. Identification resources include the next of kin registration database maintained for law enforcement by the Bureau of Motor Vehicles and the Coroner.

Notification to the next of kin of a deceased person shall be made, in person, by the officer assigned to the incident in compliance with Department training on death notifications. If the next of kin lives in another jurisdiction, a law enforcement official from that jurisdiction may be requested to make the personal notification.

In non-traffic deaths, when notification is not performed by the Coroner, and if a deceased person has been identified as a missing person, this department should attempt to locate family members and inform them of the death and location of the deceased missing person's remains as described above.

In all notifications, the notification shall be documented and the Coroner shall be informed whether the notification has been made.

Should a human death result from a fire, this department may notify the state or City fire marshal as allowed by law.

327.4.4 EMPLOYMENT-RELATED DEATHS OR INJURIES

Any member of this department who responds to and determines that a death, serious illness, or serious injury has occurred as a result of an accident at or in connection with the victim's employment should ensure that the nearest office of the Occupational Safety and Health Administration or the Ohio Public Employment Risk Reduction Program is notified by telephone or electronic notification with all pertinent information.

327.5 POLICY

It is the policy of the Blue Ash Police Department to respond, document, and investigate incidents where a person is deceased. Investigations involving the death of a person, including those from natural causes, accidents, workplace incidents, suicide, and homicide, shall be initiated, conducted, and properly documented.

327.6 PREGNANCY-ASSOCIATED DEATH INVESTIGATIONS

Officers investigating the death of a woman while pregnant or within one year after pregnancy should make sure that the pregnancy-associated mortality review board receives information and documentation as provided in ORC § 3738.02 and ORC § 3738.05.

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327.7 COUNTY FATALITY REVIEW COMMITTEES AND BOARDS

Officers investigating any of the following should notify the appropriate county review committee or board of the conclusion of the investigation and, upon request from the review committee or board, provide information or documentation as appropriate and as applicable:

- (a) A drug overdose death (ORC § 307.635; ORC § 307.637)
- (b) A suicide (ORC § 307.645; ORC § 307.647)
- (c) A domestic violence fatality (ORC § 307.655; ORC § 307.657)
- (d) A fetal infant mortality (ORC § 3707.71; ORC § 3707.74)
- (e) A child fatality (ORC § 2151.421)

Identity Theft

328.1 PURPOSE AND SCOPE

Identity theft is a growing trend that frequently involves related crimes in multiple jurisdictions. This policy is intended to provide guidelines for the reporting and investigation of such crimes.

328.2 REPORTING

- (a) In an effort to maintain uniformity in reporting, officers presented with the crime of identity theft (ORC § 2913.49(B)) shall initiate a report for crimes occurring in this jurisdiction.
- (b) For incidents of identity theft occurring outside this jurisdiction officers may either:
 - 1. Complete a courtesy report to be forwarded to the agency where the crime was committed or if the location is unknown, to the victim's residence agency.
 - 2. If no report is taken, encourage the victim to promptly report the identity theft to the law enforcement agency where he/she resides.
- (c) While the crime of identity theft should be reported to the law enforcement agency where the victim resides, officers of this department should investigate and report crimes occurring within this jurisdiction that have resulted from the original identity theft (e.g., the identity theft occurred elsewhere but the credit card fraud occurred and is reported in this jurisdiction).
- (d) Officers should include all known incidents of fraudulent activity (e.g., credit card number applied for in victim's name when the victim has never made such an application).
- (e) Officers should also cross-reference all known reports made by the victim (e.g., U.S. Secret Service, credit reporting bureaus, U.S. Postal Service and the Ohio Department of Public Safety's Driver and Vehicle Services Division) with all known report numbers.
- (f) Following supervisory review and Department processing, the initial report should be forwarded to the appropriate investigator for follow-up investigation, coordination with other agencies and prosecution as circumstances dictate.

328.3 PREVENTIVE MEASURES

The victim should be advised to place a security freeze on his/her consumer report, as allowed by law. A victim may also access <http://www.ohioattorneygeneral.gov/consumerlaws> for further information.

328.4 INFORMATION

The victim should be encouraged to contact the Federal Trade Commission (FTC), which is responsible for receiving and processing complaints under the Identity Theft and Assumption Deterrence Act. The victim can contact the FTC online at <http://www.ftc.gov/bcp/menus/consumer/>

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[data/idt.shtm](#) or by telephone at 877-ID Theft (877-438-4338). Additional information may be found at the U.S. Department of Justice website, <http://www.usdoj.gov>, or the FBI at <http://cincinnati.fbi.gov> and <http://cleveland.fbi.gov>.

Private Person's Arrests

329.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance for handling private person's arrests and detentions made pursuant to state law.

329.2 ARRESTS BY PRIVATE PERSONS

A private person may arrest another under the following circumstances:

- (a) When a felony has been committed and he/she has reasonable cause to believe the person to be arrested committed the felony (ORC § 2935.04).
- (b) When reasonable information exists that the accused stands charged in the courts of any state with a crime punishable by death or imprisonment for a term exceeding one year (ORC § 2963.12).

329.2.1 DETENTIONS BY PRIVATE PERSONS

A private person may detain another for subsequent arrest by a peace officer under the following circumstances:

- (a) Museums, archival institutions, libraries, merchants, and their agents and employees who have probable cause to believe the person to be detained is a shoplifter or has otherwise committed a theft of their property (ORC § 2935.041(A), (B), and (C)).
- (b) Motion picture presentation facilities and their agents and employees who have probable cause to believe a person is or has been recording in violation of ORC § 2913.07 (ORC § 2935.041(D)).

329.3 OFFICER RESPONSIBILITIES

Any officer presented with a private person wishing to make an arrest must determine whether there is reasonable cause to believe that such an arrest would be lawful.

- (a) Should any officer determine that there is no reasonable cause to believe that a private person's arrest is lawful, the officer should take no action to further detain or restrain the individual beyond that which reasonably appears necessary to investigate the matter, to determine the lawfulness of the arrest and protect the public safety.
 - 1. Any officer who determines that a private person's arrest appears to be unlawful should promptly release the arrested individual. The officer must include the basis of such a determination in a related report.
 - 2. Absent reasonable cause to support a private person's arrest or other lawful grounds to support an independent arrest by the officer, the officer should advise the parties that no arrest will be made and that the circumstances will be documented in a related report.
- (b) Whenever an officer determines that there is reasonable cause to believe that a private person's arrest is lawful, the officer may exercise any of the following options:
 - 1. Take the individual into physical custody for booking.

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2. Release the individual upon a misdemeanor citation or pending formal charges.

329.3 REPORTING REQUIREMENTS

In all circumstances in which a private person is claiming to have made an arrest, the individual must complete and sign an affidavit. If the person fails or refuses to do so, the arrested subject shall be released unless the officer has an independent reason to take the person into custody.

In addition to the OIBRS report and an affidavit (and any other related documents, such as citations and booking forms), officers shall complete a narrative report regarding the circumstances and disposition of the incident.

Limited English Proficiency Services

330.1 PURPOSE AND SCOPE

This policy provides guidance to members when communicating with individuals with limited English proficiency (LEP) (42 USC § 2000d).

330.1.1 DEFINITIONS

Definitions related to this policy include:

Authorized interpreter - A person who has been screened and authorized by the Department to act as an interpreter and/or translator for others.

Interpret or interpretation - The act of listening to a communication in one language (source language) and orally converting it to another language (target language), while retaining the same meaning.

Limited English proficient (LEP) - Any individual whose primary language is not English and who has a limited ability to read, write, speak or understand English. These individuals may be competent in certain types of communication (e.g., speaking or understanding) but still be LEP for other purposes (e.g., reading or writing). Similarly, LEP designations are context-specific; an individual may possess sufficient English language skills to function in one setting but these skills may be insufficient in other situations.

Qualified bilingual member - A member of the Blue Ash Police Department, designated by the Department, who has the ability to communicate fluently, directly and accurately in both English and another language. Bilingual members may be fluent enough to communicate in a non-English language but may not be sufficiently fluent to interpret or translate from one language into another.

Translate or translation - The replacement of written text from one language (source language) into an equivalent written text (target language).

330.2 POLICY

It is the policy of the Blue Ash Police Department to reasonably ensure that LEP individuals have meaningful access to law enforcement services, programs and activities, while not imposing undue burdens on its members.

The Department will not discriminate against or deny any individual access to services, rights or programs based upon national origin or any other protected interest or right.

330.3 FOUR-FACTOR ANALYSIS

Since there are many different languages that members could encounter, the Department will utilize the four-factor analysis outlined in the U.S. Department of Justice (DOJ) Guidance to Federal Financial Assistance Recipients, available at the DOJ website, to determine which measures will provide meaningful access to its services and programs. It is recognized that law enforcement contacts and circumstances will vary considerably. This analysis, therefore, must remain flexible and will require an ongoing balance of four factors, which are:

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- (a) The number or proportion of LEP individuals eligible to be served or likely to be encountered by department members, or who may benefit from programs or services within the jurisdiction of the Department or a particular geographic area.
- (b) The frequency with which LEP individuals are likely to come in contact with department members, programs or services.
- (c) The nature and importance of the contact, program, information or service provided.
- (d) The cost of providing LEP assistance and the resources available.

330.4 TYPES OF LEP ASSISTANCE AVAILABLE

Blue Ash Police Department members should never refuse service to an LEP individual who is requesting assistance, nor should they require an LEP individual to furnish an interpreter as a condition for receiving assistance. The Department will make every reasonable effort to provide meaningful and timely assistance to LEP individuals through a variety of services.

The Department will utilize all reasonably available tools, such as language identification cards, when attempting to determine an LEP individual's primary language.

LEP individuals may choose to accept department-provided LEP services at no cost or they may choose to provide their own.

Department-provided LEP services may include, but are not limited to, the assistance methods described in this policy.

330.5 QUALIFIED BILINGUAL MEMBERS

Bilingual members may be qualified to provide LEP services when they have demonstrated through established department procedures a sufficient level of skill and competence to fluently communicate in both English and a non-English language. Members utilized for LEP services must demonstrate knowledge of the functions of an interpreter/translator and the ethical issues involved when acting as a language conduit. Additionally, bilingual members must be able to communicate technical and law enforcement terminology, and be sufficiently proficient in the non-English language to perform complicated tasks, such as conducting interrogations, taking statements, collecting evidence or conveying rights or responsibilities.

When a qualified bilingual member from this department is not available, personnel from other City departments, who have been identified by the Department as having the requisite skills and competence, may be requested.

330.6 AUTHORIZED INTERPRETERS

Any person designated by the Department to act as an authorized interpreter and/or translator must have demonstrated competence in both English and the involved non-English language, must have an understanding of the functions of an interpreter that allows for correct and effective translation, and should not be a person with an interest in the department case or investigation involving the LEP individual. A person providing interpretation or translation services may be

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required to establish the accuracy and trustworthiness of the interpretation or translation in a court proceeding.

330.6.1 SOURCES OF AUTHORIZED INTERPRETERS

The Department may contract with authorized interpreters who are available over the telephone. Members may use these services with the approval of a supervisor and in compliance with established procedures.

Other sources may include:

- Qualified bilingual members of this department or personnel from other City departments.
- Individuals employed exclusively to perform interpretation services.
- Contracted in-person interpreters, such as state or federal court interpreters, among others.
- Interpreters from other agencies with whom the Department has a resource-sharing or other arrangement that they will interpret according to department guidelines.

330.6.2 COMMUNITY VOLUNTEERS AND OTHER SOURCES OF LANGUAGE ASSISTANCE

Language assistance may be available from community volunteers who have demonstrated competence in either monolingual (direct) communication and/or in interpretation or translation (as noted in above), and have been approved by the Department to communicate with LEP individuals.

Where qualified bilingual members or other authorized interpreters are unavailable to assist, approved community volunteers who have demonstrated competence may be called upon when appropriate. However, department members must carefully consider the nature of the contact and the relationship between the LEP individual and the volunteer to ensure that the volunteer can provide neutral and unbiased assistance.

While family or friends of an LEP individual may offer to assist with communication or interpretation, members should carefully consider the circumstances before relying on such individuals. For example, children should not be relied upon except in exigent or very informal and non-confrontational situations.

330.7 CONTACT AND REPORTING

While all law enforcement contacts, services and individual rights are important, this department will utilize the four-factor analysis to prioritize service to LEP individuals so that such services may be targeted where they are most needed, according to the nature and importance of the particular law enforcement activity involved.

Whenever any member of this department is required to complete a report or other documentation, and interpretation services are provided to any involved LEP individual, such services should be noted in the related report. Members should document the type of interpretation services utilized

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and whether the individual elected to use services provided by the Department or some other identified source.

330.8 FIELD ENFORCEMENT

Field enforcement will generally include such contacts as traffic stops, pedestrian stops, serving warrants and restraining orders, crowd/traffic control and other routine field contacts that may involve LEP individuals. The scope and nature of these activities and contacts will inevitably vary. Members and/or supervisors must assess each situation to determine the need and availability of language assistance to all involved LEP individuals and utilize the methods outlined in this policy to provide such assistance.

Although not every situation can be addressed in this policy, it is important that members are able to effectively communicate the reason for a contact, the need for information and the meaning or consequences of any enforcement action. For example, it would be meaningless to request consent to search if the officer is unable to effectively communicate with an LEP individual.

If available, officers should obtain the assistance of a qualified bilingual member or an authorized interpreter before placing an LEP individual under arrest.

330.9 INVESTIGATIVE FIELD INTERVIEWS

In any situation where an interview may reveal information that could be used as the basis for arrest or prosecution of an LEP individual and a qualified bilingual member is unavailable or lacks the skills to directly communicate with the LEP individual, an authorized interpreter should be used. This includes interviews conducted during an investigation with victims, witnesses and suspects. Identification and contact information for the interpreter (e.g., name, address) should be documented so that the person can be subpoenaed for trial if necessary.

If an authorized interpreter is needed, officers should consider calling for an authorized interpreter in the following order:

- An authorized department member or allied agency interpreter
- An authorized telephone interpreter
- Any other authorized interpreter

Any *Miranda* warnings shall be provided to suspects in their primary language by an authorized interpreter or, if the suspect is literate, by providing a translated *Miranda* warning card.

The use of an LEP individual's bilingual friends, family members, children, neighbors or bystanders may be used only when a qualified bilingual member or authorized interpreter is unavailable and there is an immediate need to interview an LEP individual.

330.10 CUSTODIAL INTERROGATIONS

Miscommunication during custodial interrogations may have a substantial impact on the evidence presented in a criminal prosecution. Only qualified bilingual members or, if none is available or appropriate, authorized interpreters shall be used during custodial interrogations. *Miranda*

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warnings shall be provided to suspects in their primary language by the qualified bilingual member or an authorized interpreter.

In order to ensure that translations during custodial interrogations are accurately documented and are admissible as evidence, interrogations should be recorded whenever reasonably possible. See guidance on recording custodial interrogations in the Investigation and Prosecution Policy.

330.15 BOOKINGS

When gathering information during the booking process, members should remain alert to the impediments that language barriers can create. In the interest of the arrestee's health and welfare, the safety and security of the facility, and to protect individual rights, it is important that accurate medical screening and booking information be obtained. Members should seek the assistance of a qualified bilingual member whenever there is concern that accurate information cannot be obtained or that booking instructions may not be properly understood by an LEP individual, when practical.

330.15 COMPLAINTS

The Department shall ensure that LEP individuals who wish to file a complaint regarding members of this department are able to do so. The Department may provide an authorized interpreter or translated forms, as appropriate.

Investigations into such complaints shall be handled in accordance with the Personnel Complaints Policy. Authorized interpreters used for any interview with an LEP individual during an investigation should not be members of this department.

Any notice required to be sent to an LEP individual as a complaining party pursuant to the Personnel Complaints Policy should be translated or otherwise communicated in a language-accessible manner.

330.15 COMMUNITY OUTREACH

Community outreach programs and other such services offered by this department are important to the ultimate success of more traditional law enforcement duties. This department will continue to work with community groups, local businesses and neighborhoods to provide equal access to such programs and services, when practical.

330.15 TRAINING

To ensure that all members who may have contact with LEP individuals are properly trained, the Department will provide periodic training on this policy and related procedures, including how to access department-authorized telephonic and in-person interpreters and other available resources.

The FTO Supervisor shall be responsible for ensuring new members receive LEP training.

Communications with Persons with Disabilities

331.1 PURPOSE AND SCOPE

This policy provides guidance to members when communicating with individuals with disabilities, including those who are deaf or hard of hearing, have impaired speech or vision, or are blind.

331.1.1 DEFINITIONS

Definitions related to this policy include:

Auxiliary aids - Tools used to communicate with people who have a disability or impairment. They include, but are not limited to, the use of gestures or visual aids to supplement oral communication; a notepad and pen or pencil to exchange written notes; a computer or typewriter; an assistive listening system or device to amplify sound; a teletypewriter (TTY) or videophones (video relay service or VRS); taped text; qualified readers; or a qualified interpreter.

Disability or impairment - A physical or mental impairment that substantially limits a major life activity, including hearing or seeing, regardless of whether the disabled person uses assistive or adaptive devices or auxiliary aids. Individuals who wear ordinary eyeglasses or contact lenses are not considered to have a disability (42 USC § 12102).

Qualified interpreter - A person who is able to interpret effectively, accurately and impartially, both receptively and expressively, using any necessary specialized vocabulary. Qualified interpreters include oral interpreters, transliterators, sign language interpreters and intermediary interpreters.

331.2 POLICY

It is the policy of the Blue Ash Police Department to reasonably ensure that people with disabilities, including victims, witnesses, suspects and arrestees have equal access to law enforcement services, programs and activities. Members must make efforts to communicate effectively with individuals with disabilities.

The Department will not discriminate against or deny any individual access to services, rights or programs based upon disabilities.

331.3 AMERICANS WITH DISABILITIES (ADA) COORDINATOR

The Chief of Police shall delegate certain responsibilities to an ADA Coordinator, the Captain or his designee (28 CFR 35.107).

The responsibilities of the ADA Coordinator shall include, but not be limited to:

- (a) Working with the City ADA coordinator regarding the Blue Ash Police Department's efforts to ensure equal access to services, programs and activities.
- (b) Developing reports, new procedures, or recommending modifications to this policy.
- (c) Acting as a liaison with local disability advocacy groups or other disability groups regarding access to department services, programs and activities.

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- (d) Ensuring that a list of qualified interpreter services is maintained and available to each Shift OIC and OIC. The list should include information regarding the following:
 - 1. Contact information
 - 2. Availability
- (e) Developing procedures that will enable members to access auxiliary aids or services, including qualified interpreters, and ensure the procedures are available to all members.
- (f) Ensuring signage is posted in appropriate areas, indicating that auxiliary aids are available free of charge to people with disabilities.
- (g) Ensuring appropriate processes are in place to provide for the prompt and equitable resolution of complaints and inquiries regarding discrimination in access to department services, programs and activities.

331.4 FACTORS TO CONSIDER

Because the nature of any law enforcement contact may vary substantially from one situation to the next, members of this department should consider all information reasonably available to them when determining how to communicate with an individual with a disability. Members should carefully balance all known factors in an effort to reasonably ensure people who are disabled have equal access to services, programs and activities. These factors may include, but are not limited to:

- (a) Members should not always assume that effective communication is being achieved. The fact that an individual appears to be nodding in agreement does not always mean he/she completely understands the message. When there is any doubt, members should ask the individual to communicate back or otherwise demonstrate their understanding.
- (b) The nature of the disability (e.g., deafness or blindness vs. hard of hearing or low vision).
- (c) The nature of the law enforcement contact (e.g., emergency vs. non-emergency, custodial vs. consensual contact).
- (d) The availability of auxiliary aids. The fact that a particular aid is not available does not eliminate the obligation to reasonably ensure access. However, in an emergency, availability may factor into the type of aid used.

331.5 INITIAL AND IMMEDIATE CONSIDERATIONS

Recognizing that various law enforcement encounters may be potentially volatile and/or emotionally charged, members should remain alert to the possibility of communication problems.

Members should exercise special care in the use of all gestures, and verbal and written communication to minimize initial confusion and misunderstanding when dealing with any individual with known or suspected disabilities.

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In a non-emergency situation, when a member knows or suspects an individual requires assistance to effectively communicate, the member shall identify the individual's choice of auxiliary aid or service.

The individual's preferred communication method must be honored unless another effective method of communication exists under the circumstances (28 CFR 35.160).

Factors to consider when determining whether an alternative method is effective include:

- (a) The methods of communication usually used by the individual.
- (b) The nature, length and complexity of the communication involved.
- (c) The context of the communication.

In emergency situations involving an imminent threat to the safety or welfare of any person, members may use whatever auxiliary aids and services that reasonably appear effective under the circumstances. This may include, for example, exchanging written notes or using the services of a person who knows sign language but is not a qualified interpreter, even if the person who is deaf or hard of hearing would prefer a qualified sign language interpreter or another appropriate auxiliary aid or service. Once the emergency has ended, the continued method of communication should be reconsidered. The member should inquire as to the individual's preference and give primary consideration to that preference.

If an individual who is deaf, hard of hearing or has impaired speech must be handcuffed while in the custody of the Blue Ash Police Department, consideration should be given, safety permitting, to placing the handcuffs in the front of the body to facilitate communication using sign language or writing.

331.6 TYPES OF ASSISTANCE AVAILABLE

Blue Ash Police Department members shall never refuse to assist an individual with disabilities who is requesting assistance. The Department will not charge anyone to receive auxiliary aids, nor shall they require anyone to furnish their own auxiliary aid or service as a condition for receiving assistance. The Department will make every reasonable effort to provide equal access and timely assistance to individuals who are disabled through a variety of services.

A person who is disabled may choose to accept department-provided auxiliary aids or services or they may choose to provide their own.

Department-provided auxiliary aids or services may include, but are not limited to, the assistance methods described in this policy.

331.7 AUDIO RECORDINGS AND ENLARGED PRINT

The Department may develop audio recordings to assist people who are blind or have a visual impairment with accessing important information. If such a recording is not available, members may read aloud from the appropriate form, for example a personnel complaint form, or provide forms with enlarged print.

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331.8 QUALIFIED INTERPRETERS

A qualified interpreter may be needed in lengthy or complex transactions (e.g., interviewing a victim, witness, suspect or arrestee), if the individual to be interviewed normally relies on sign language or speechreading (lip-reading) to understand what others are saying. The qualified interpreter should not be a person with an interest in the case or the investigation. A person providing interpretation services may be required to establish the accuracy and trustworthiness of the interpretation in a court proceeding.

Qualified interpreters should be:

- (a) Available within a reasonable amount of time but in no event longer than one hour if requested.
- (b) Experienced in providing interpretation services related to law enforcement matters.
- (c) Familiar with the use of VRS and/or video remote interpreting services.
- (d) Certified in either American Sign Language (ASL) or Signed English (SE).
- (e) Able to understand and adhere to the interpreter role without deviating into other roles, such as counselor or legal adviser.
- (f) Knowledgeable of the ethical issues involved when providing interpreter services.

Members should use department-approved procedures to request a qualified interpreter at the earliest reasonable opportunity, and generally not more than 15 minutes after a request for an interpreter has been made or it is reasonably apparent that an interpreter is needed. No individual who is disabled shall be required to provide his/her own interpreter (28 CFR 35.160).

331.9 TTY AND RELAY SERVICES

In situations where an individual without a disability would have access to a telephone (e.g., booking or attorney contacts), members must also provide those who are deaf, hard of hearing or have impaired speech the opportunity to place calls using an available TTY (also known as a telecommunications device for deaf people, or TDD). Members shall provide additional time, as needed, for effective communication due to the slower nature of TTY and TDD communications.

The Department will accept all TTY or TDD calls placed by those who are deaf or hard of hearing and received via a telecommunications relay service (28 CFR 35.162).

Note that relay services translate verbatim, so the conversation must be conducted as if speaking directly to the caller.

331.10 COMMUNITY VOLUNTEERS

Interpreter services may be available from community volunteers who have demonstrated competence in communication services, such as ASL or SE, and have been approved by the Department to provide interpreter services.

Where qualified interpreters are unavailable to assist, approved community volunteers who have demonstrated competence may be called upon when appropriate. However, department members

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must carefully consider the nature of the contact and the relationship between the individual with the disability and the volunteer to ensure that the volunteer can provide neutral and unbiased assistance.

331.11 FAMILY AND FRIENDS

While family or friends may offer to assist with interpretation, members should carefully consider the circumstances before relying on such individuals. The nature of the contact and relationship between the individual with the disability and the person offering services must be carefully considered (e.g., victim/suspect).

Children shall not be relied upon except in emergency or critical situations when there is no qualified interpreter reasonably available.

Adults may be relied upon when (28 CFR 35.160):

- (a) There is an emergency or critical situation and there is no qualified interpreter reasonably available.
- (b) The person with the disability requests that the adult interpret or facilitate communication and the adult agrees to provide such assistance, and reliance on that adult for such assistance is reasonable under the circumstances.

331.12 REPORTING

Whenever any member of this department is required to complete a report or other documentation, and communication assistance has been provided, such services should be noted in the related report. Members should document the type of communication services utilized and whether the individual elected to use services provided by the Department or some other identified source. If the individual's express preference is not honored, the member must document why another method of communication was used.

All written communications exchanged in a criminal case shall be attached to the report or placed into evidence.

331.13 FIELD ENFORCEMENT

Field enforcement will generally include such contacts as traffic stops, pedestrian stops, serving warrants and restraining orders, crowd/traffic control and other routine field contacts that may involve individuals with disabilities. The scope and nature of these activities and contacts will inevitably vary.

The Department recognizes that it would be virtually impossible to provide immediate access to complete communication services to every member of this department. Members and/or supervisors must assess each situation and consider the length, complexity and importance of the communication, as well as the individual's preferred method of communication, when determining the type of resources to use and whether a qualified interpreter is needed.

Although not every situation can be addressed in this policy, it is important that members are able to effectively communicate the reason for a contact, the need for information and the meaning

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or consequences of any enforcement action. For example, it would be meaningless to verbally request consent to search if the officer is unable to effectively communicate with an individual who is deaf or hard of hearing and requires communications assistance.

If available, officers should obtain the assistance of a qualified interpreter before placing an individual with a disability under arrest. Individuals who are arrested and are assisted by service animals should be permitted to make arrangements for the care of such animals prior to transport.

331.13.1 FIELD RESOURCES

Examples of methods that may be sufficient for transactions, such as checking a license or giving directions to a location or for urgent situations such as responding to a violent crime in progress, may, depending on the circumstances, include such simple things as:

- (a) Hand gestures or visual aids with an individual who is deaf, hard of hearing or has impaired speech.
- (b) Exchange of written notes or communications.
- (c) Verbal communication with an individual who can speechread by facing the individual and speaking slowly and clearly.
- (d) Use of computer, word processing, personal communication device or similar device to exchange texts or notes.
- (e) Slowly and clearly speaking or reading simple terms to individuals who have a visual or mental impairment.

Members should be aware that these techniques may not provide effective communication as required by law and this policy depending on the circumstances.

331.14 CUSTODIAL INTERROGATIONS

In an effort to ensure that the rights of individuals who are deaf, hard of hearing or have speech impairment are protected during a custodial interrogation, this department will provide interpreter services before beginning an interrogation, unless exigent circumstances exist or the individual has made a clear indication that he/she understands the process and desires to proceed without an interpreter. The use of a video remote interpreting service should be considered, where appropriate, if a live interpreter is not available. *Miranda* warnings shall be provided to suspects who are deaf or hard of hearing by a qualified interpreter or by providing a written *Miranda* warning card.

In order to ensure that communications during custodial investigations are accurately documented and are admissible as evidence, interrogations should be recorded whenever reasonably possible. See guidance on recording custodial interrogations in the Investigation and Prosecution Policy.

331.15 ARRESTS AND BOOKINGS

If an individual with speech or hearing disabilities is arrested, the arresting officer shall use department-approved procedures to provide a qualified interpreter at the place of arrest or

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booking as soon as reasonably practicable, unless the individual indicates that he/she prefers a different auxiliary aid or service or the officer reasonably determines another effective method of communication exists under the circumstances.

When gathering information during the booking process, members should remain alert to the impediments that often exist when communicating with those who are deaf, hard of hearing, who have impaired speech or vision, are blind, or have other disabilities. In the interest of the arrestee's health and welfare, the safety and security of the facility and to protect individual rights, it is important that accurate medical screening and booking information be obtained. If necessary, members should seek the assistance of a qualified interpreter whenever there is concern that accurate information cannot be obtained or that booking instructions may not be properly understood by the individual.

Individuals who require and possess personally owned communication aids (e.g., hearing aids, cochlear processors) should be permitted to retain them while in custody.

331.16 COMPLAINTS

The Department shall ensure that individuals with disabilities who wish to file a complaint regarding members of this department are able to do so. The Department may provide a qualified interpreter or forms in enlarged print, as appropriate. Complaints will be referred to the department ADA Coordinator.

Investigations into such complaints shall be handled in accordance with the Personnel Complaints Policy. Qualified interpreters used during the investigation of a complaint should not be members of this Department.

331.17 COMMUNITY OUTREACH

Community outreach programs and other such services offered by this department are important to the ultimate success of more traditional law enforcement duties. This department will continue to work with community groups, local businesses and neighborhoods to provide equal access to such programs and services.

331.18 TRAINING

To ensure that all members who may have contact with individuals who are disabled are properly trained, the Department will provide periodic training that should include:

- (a) Awareness and understanding of this policy and related procedures, related forms and available resources.
- (b) Procedures for accessing qualified interpreters and other available resources.
- (c) Working with in-person and telephone interpreters and related equipment.

The FTO Supervisor shall be responsible for ensuring new members receive training related to interacting with individuals who have disabilities including individuals who are deaf, hard of hearing, who have impaired speech or vision, or are blind.

Pupil Arrest Reporting

332.1 PURPOSE AND SCOPE

The purpose of this policy is to describe the procedures to follow when a pupil is arrested on school grounds and during school hours.

332.2 PUPIL ARREST REPORTING

In the event a school pupil is arrested, the arresting officer shall ensure that the chief administrative officer of the school or appropriate designee is notified of the arrest of a pupil.

332.2.1 PUPIL ARREST AFTER NOTIFICATION

Based upon the circumstances of the investigation, it may be appropriate to notify the school prior to the arrest. Prior notification and assistance from the school may reduce disruption to school operations and other students.

332.2.2 PUPIL ARREST BEFORE NOTIFICATION

Based upon the circumstances of the investigation, it may be appropriate to arrest the pupil before notifying the school. This may be appropriate if the pupil is a flight risk, if prior notification will impede the investigation or if notification creates additional risks to students, faculty, the officer or the public.

Proper notification to the school after the pupil's arrest should then be made when circumstances reasonably allow.

332.2.3 PARENTAL NOTIFICATION

Upon arrest, it is the arresting officer's responsibility to ensure the parents of the arrested pupil are properly notified. Notification shall be made by the officer, regardless of subsequent notifications by the juvenile detention facility. Notifications should be documented and include the charges against the pupil and information as to where the pupil will be taken.

Biological Samples

333.1 PURPOSE AND SCOPE

This policy provides guidelines for the collection of biological samples from those individuals required to provide samples upon conviction or arrest for certain offenses. This policy does not apply to biological samples collected at a crime scene or taken from a person in conjunction with a criminal investigation. Nor does it apply to biological samples collected from those required to register, for example, as sex offenders.

333.2 POLICY

The Blue Ash Police Department will assist in the expeditious collection of required biological samples from arrestees and offenders in accordance with the laws of this state and with as little reliance on force as practicable.

333.3 PERSONS SUBJECT TO DNA COLLECTION

Those who must submit a biological sample are persons who have been (ORC § 2901.07):

- (a) Arrested for or convicted of a felony offense.
- (b) Convicted of a misdemeanor violation, an attempt to commit a misdemeanor violation or complicity in committing a misdemeanor violation arising out of the following:
 - 1. Aggravated murder
 - 2. Murder
 - 3. Kidnapping
 - 4. Rape
 - 5. Sexual battery
 - 6. Unlawful sexual conduct with minor
 - 7. Gross sexual imposition
 - 8. Aggravated burglary
 - 9. Felonious sexual penetration
 - 10. Interference with custody
- (c) Convicted of a sexually oriented offense or a child victim-oriented offense that is a misdemeanor if the offender is a Tier III sex offender/child-victim offender, as defined in ORC § 2950.01.

333.4 PROCEDURE

When an individual is required to provide a biological sample, a trained employee shall attempt to obtain the sample in accordance with this policy.

333.4.1 COLLECTION

The following steps should be taken to collect a sample:

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- (a) Verify that the individual is required to provide a sample pursuant to ORC § 2901.07 and that his/her identity has been verified as required under OAC § 109:5-5-02.
- (b) Verify that a biological sample has not been previously collected from the offender by querying the Ohio Law Enforcement Gateway (OHLEG). There is no need to obtain a biological sample if one has been previously obtained (OAC § 109:5-5-02).
- (c) Use the designated collection kit provided by the Ohio Bureau of Criminal Investigation (BCI) to perform the collection and take steps to avoid cross contamination.

333.5 USE OF FORCE TO OBTAIN SAMPLES

If a person refuses to cooperate with the sample collection process, officers should attempt to identify the reason for refusal and seek voluntary compliance without resorting to using force. Force will not be used in the collection of samples except as authorized by court order and only with the approval of a supervisor. Methods to consider when seeking voluntary compliance include contacting:

- (a) The person's parole or probation officer when applicable.
- (b) The prosecuting attorney to seek additional charges against the person for failure to comply or to otherwise bring the refusal before a judge.
- (c) The judge at the person's next court appearance.
- (d) The person's attorney.
- (e) A chaplain.
- (f) Another custody facility with additional resources, where an arrestee can be transferred to better facilitate sample collection.
- (g) A supervisor who may be able to authorize custodial disciplinary actions to compel compliance, if any are available.

The supervisor shall review and approve any plan to use force and be present to document the process.

333.5.1 VIDEO RECORDING

A video recording should be made any time force is used to obtain a biological sample. The recording should document all staff participating in the process, in addition to the methods and all force used during the collection. The recording should be part of the investigation file, if any, or otherwise retained in accordance with the department's records retention schedule.

Child and Dependent Adult Safety

334.1 PURPOSE AND SCOPE

This policy provides guidelines to ensure that children and dependent adults are not left without appropriate care in the event their caregiver or guardian is arrested or otherwise prevented from providing care due to actions taken by members of this department.

This policy does not address the actions to be taken during the course of a child abuse or dependent adult investigation. These are covered in the Child Abuse Policy and the Adult or Vulnerable Person Abuse Policy.

334.2 POLICY

It is the policy of this department to mitigate, to the extent reasonably possible, the stressful experience individuals may have when their parent or caregiver is arrested. The Blue Ash Police Department will endeavor to create a strong, cooperative relationship with local, state and community-based social services to ensure an effective, collaborative response that addresses the needs of those affected, including call-out availability and follow-up responsibilities.

334.3 PROCEDURES DURING AN ARREST

When encountering an arrest or prolonged detention situation, officers should make reasonable attempts to determine if the arrestee is responsible for children or dependent adults. In some cases this may be obvious, such as when children or dependent adults are present. However, officers should inquire if the arrestee has caregiver responsibilities for any children or dependent adults who are without appropriate supervision. The following steps should be taken:

- (a) Inquire about and confirm the location of any children or dependent adults.
- (b) Look for evidence of children and dependent adults. Officers should be mindful that some arrestees may conceal the fact that they have a dependent for fear the individual may be taken from them.
- (c) Consider inquiring of witnesses, neighbors, friends and relatives of the arrestee as to whether the person is responsible for a child or dependent adult.

Whenever reasonably possible, officers should take reasonable steps to accomplish the arrest of a parent, guardian or caregiver out of the presence of his/her child or dependent adult. Removing children or dependent adults from the scene in advance of the arrest will generally ensure the best outcome for the individual.

Whenever it is safe to do so, officers should allow the parent or caregiver to assure children or dependent adults that they will be provided care. If this is not safe or if the demeanor of the parent or caregiver suggests this conversation would be non-productive, the officer at the scene should explain the reason for the arrest in age-appropriate language and offer reassurance to the child or dependent adult that he/she will receive appropriate care.

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334.3.1 AFTER AN ARREST

Whenever an arrest is made, the officer should take all reasonable steps to ensure the safety of the arrestee's disclosed or discovered children or dependent adults.

Officers should allow the arrestee reasonable time to arrange for care of children and dependent adults. Temporary placement with family or friends may be appropriate. However, any decision should give priority to a care solution that is in the best interest of the child or dependent adult. In such cases the following guidelines should be followed:

- (a) Allow the person reasonable time to arrange for the care of children and dependent adults with a responsible party, as appropriate.
 - 1. Officers should consider allowing the person to use his/her cell phone to facilitate arrangements through access to contact phone numbers, and to lessen the likelihood of call screening by the recipients due to calls from unknown sources.
- (b) Unless there is evidence to the contrary (e.g., signs of abuse, drug use, unsafe environment), officers should respect the parent or caregiver's judgment regarding arrangements for care. It is generally best if the child or dependent adult remains with relatives or family friends that he/she knows and trusts because familiarity with surroundings and consideration for comfort, emotional state and safety are important.
 - 1. Except when a court order exists limiting contact, the officer should attempt to locate and place children or dependent adults with the non-arrested parent, guardian or caregiver.
- (c) Provide for the immediate supervision of children or dependent adults until an appropriate caregiver arrives.
- (d) Notify Child Protective Services or the Department of Aging, if appropriate.
- (e) Notify the field supervisor or Shift OIC of the disposition of children or dependent adults.

If children or dependent adults are at school or another known location outside the household at the time of arrest, the arresting officer should attempt to contact the school or other known location and inform the principal or appropriate responsible adult of the caregiver's arrest and of the arrangements being made for the care of the arrestee's dependent. The result of such actions should be documented in the associated report.

334.3.2 DURING THE BOOKING PROCESS

During the booking process, the arrestee should be allowed to make additional telephone calls to relatives or other responsible individuals as is reasonably necessary to arrange for the care of any child or dependent adult. These telephone calls should be given as soon as practicable and are in addition to any other telephone calls allowed by law.

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If an arrestee is unable to resolve the care of any child or dependent adult through this process, a supervisor should be contacted to determine the appropriate steps to arrange for care. These steps may include additional telephone calls or contacting a local, county or state services agency.

334.3.3 REPORTING

- (a) For all arrests where children are present or living in the household, the reporting member will document the following information:
 - 1. Name
 - 2. Sex
 - 3. Age
 - 4. Special needs (e.g., medical, mental health)
 - 5. How, where and with whom or which agency the child was placed
 - 6. Identities and contact information for other potential caregivers
 - 7. Notifications made to other adults (e.g., schools, relatives)
- (b) For all arrests where dependent adults are present or living in the household, the reporting member will document the following information:
 - 1. Name
 - 2. Sex
 - 3. Age
 - 4. Whether he/she reasonably appears able to care for him/herself
 - 5. Disposition or placement information if he/she is unable to care for him/herself

334.3.4 SUPPORT AND COUNSELING REFERRAL

If, in the judgment of the handling officers, the child or dependent adult would benefit from additional assistance, such as counseling services, contact with a victim advocate or a crisis telephone number, the appropriate referral information may be provided.

334.4 DEPENDENT WELFARE SERVICES

Whenever an arrestee is unwilling or incapable of arranging for the appropriate care of any child or dependent adult, the handling officer should contact the appropriate welfare service or other department-approved social service to determine whether protective custody is appropriate.

Only when other reasonable options are exhausted should a child or dependent adult be transported to the police facility, transported in a marked law enforcement vehicle or taken into formal protective custody.

Under no circumstances should a child or dependent adult be left unattended or without appropriate care.

Service Animals

335.1 PURPOSE AND SCOPE

Service animals play an important role in helping to overcome the limitations often faced by people with disabilities. The Blue Ash Police Department recognizes this need and is committed to making reasonable modifications to its policies, practices and procedures in accordance with Title II of the Americans with Disabilities Act of 1990 (ADA) to permit the use of service animals that are individually trained to assist a person with a disability.

335.2 SERVICE ANIMALS

The ADA defines a service animal as any dog or miniature horse that is individually trained to do work or perform tasks for the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual or other mental disability. The work or tasks performed by a service animal must be directly related to the owner's disability (28 CFR 35.104).

335.2.1 USE OF SERVICE ANIMALS

Some service animals may be readily identifiable. However, many do not have a distinctive symbol, harness or collar. Service animals are not pets and may be trained by an individual or organization to assist people with disabilities. Service animals may accompany the handler or companion person into, and is entitled to the full use of services to which the general public is invited (ORC § 955.43).

The following are some examples of the ways service animals may be used to provide assistance:

- Guiding people who are blind or have low vision.
- Alerting people who are deaf or hard of hearing.
- Retrieving or picking up items, opening doors or flipping switches for people who have limited use of their hands, arms or legs.
- Pulling wheelchairs.
- Providing physical support and assisting people with stability and balance.
- Doing work or performing tasks for persons with traumatic brain injury, intellectual disabilities or psychiatric disabilities, such as reminding a person with depression to take medication.
- Alerting a person with anxiety to the onset of panic attacks, providing tactile stimulation to calm a person with post-traumatic stress disorder, assisting people with schizophrenia to distinguish between hallucinations and reality, and helping people with traumatic brain injury to locate misplaced items or follow daily routines.

335.3 MEMBER RESPONSIBILITIES

Service animals that are assisting individuals with disabilities are permitted in all public facilities and areas where the public is allowed. Department members are expected to treat individuals with

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service animals with the same courtesy and respect that the Blue Ash Police Department affords to all members of the public.

If an animal exhibits vicious behavior, poses a direct threat to the health of others or unreasonably disrupts or interferes with normal business operations, an officer may direct the owner to remove the animal from the premises. Barking alone is not a threat nor does a direct threat exist if the person takes prompt, effective action to control the animal. Each incident must be considered individually. Past incidents alone are not cause for excluding a service animal. Removal of a service animal may not be used as a reason to refuse service to an individual with disabilities. Members of this department are expected to provide all services as are reasonably available to an individual with the disability.

If it is apparent or if an officer is aware the animal is a service animal, the owner should not be asked any questions as to the status of the animal. If it is unclear whether an animal meets the definition of a service animal, the officer should ask the individual only the following questions:

- Is the animal required because of a disability?
- What task or service has the animal been trained to perform?

If the individual explains that the animal is required because of a disability and has been trained to work or perform at least one task, the animal meets the definition of a service animal, and no further questions as to the animal's status should be asked. The person should not be questioned about his/her disabilities nor should the person be asked to provide any license, certification or identification card for the service animal.

Service animals are not pets. Department members should not interfere with the important work performed by a service animal by talking to, petting or otherwise initiating contact with a service animal.

When handling calls of a complaint regarding a service animal, members of this department should remain neutral and should be prepared to explain the ADA requirements concerning service animals to the concerned parties. Businesses are required to allow service animals to accompany their owner in all areas that other customers or members of the public are allowed.

Absent a violation of law independent of the ADA, officers should take no enforcement action beyond keeping the peace. Individuals who believe they have been discriminated against as a result of a disability should be referred to the Civil Rights Division of the U.S. Department of Justice.

Volunteer Program

336.1 PURPOSE AND SCOPE

It is the policy of this department to use qualified volunteers for specified tasks and duties in order to create efficiencies for the Department and improve services to the community. Volunteers are intended to supplement and support, rather than supplant, sworn officers and civilian personnel. Volunteers can be an important part of any organization and have proven to be a valuable asset to law enforcement agencies. Volunteers help to increase department responsiveness, delivery of services and information input, and provide new program opportunities. In addition, volunteers bring new skills and expertise to the Department and prompt new enthusiasm.

336.1.1 DEFINITIONS

Definitions related to this policy include:

Volunteer - An individual who performs a service for the Department without promise, expectation or receipt of compensation for services rendered. This may include unpaid chaplains, unpaid officers, interns, persons providing administrative support and youth involved in a law enforcement Explorer Post, among others.

336.1.2 VOLUNTEER ELIGIBILITY

Requirements for participation as an Blue Ash Police Department volunteer include:

- (a) At least 18 years of age for all positions other than Explorer.
- (b) At least 14 years of age for Explorer.
- (c) No conviction of a felony, any crime of a sexual nature, any crime related to assault, any crime related to dishonesty or any crime related to impersonating a law enforcement officer.
- (d) No conviction of a misdemeanor crime within the past 10 years, excluding minor and unclassified misdemeanor traffic offenses.
- (e) No condition involving mental illness or chemical dependency that may adversely affect the person's ability to serve in the position.
- (f) Physical requirements reasonably appropriate to the assignment.
- (g) A personal background history and character suitable for a person representing the Department, as validated by a background investigation.

The Chief of Police may apply exceptions for eligibility based on organizational needs and the qualification of the individual.

336.2 VOLUNTEER MANAGEMENT

336.2.1 VOLUNTEER COORDINATOR

The function of the Volunteer Coordinator is to provide a central coordinating point for effective volunteer management within the Department, and to direct and assist staff and volunteer efforts

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to jointly provide more productive services. The Volunteer Coordinator or designee shall be responsible for the following:

- (a) Recruiting, selecting and training qualified volunteers for various positions.
- (b) Maintaining records for each volunteer.
- (c) Tracking and evaluating the contribution of volunteers.
- (d) Maintaining the volunteer handbook and outlining expectations, policies and responsibilities for all volunteers.
- (e) Maintaining a record of volunteer schedules and work hours.
- (f) Completion and dissemination as appropriate of all necessary paperwork and information.
- (g) Planning periodic recognition events.
- (h) Administering discipline when warranted.
- (i) Maintaining liaison with other community volunteer programs and assisting in community-wide efforts to recognize and promote volunteering.

336.2.2 RECRUITMENT

Volunteers should be recruited on a continuous and ongoing basis in accordance with department policy on equal opportunity nondiscriminatory employment. A primary qualification for participation in the application process should be an interest in, and an ability to assist, the Department in serving the public.

Requests for volunteers should be submitted in writing by interested staff to the Volunteer Coordinator through the requester's immediate supervisor. A complete position description and a requested time frame should be included in the request. All parties should understand that the recruitment of volunteers is enhanced by creative and interesting assignments. The Volunteer Coordinator may withhold assignment of any volunteer until such time as the requesting unit is prepared to make effective use of volunteer resources.

336.2.3 SCREENING

All prospective volunteers should complete the volunteer application form. The Volunteer Coordinator or designee should conduct a face-to-face interview with the applicant.

A documented background investigation shall be completed on each volunteer applicant and shall include, but not necessarily be limited to, the following:

- (a) Traffic and criminal background check.
- (b) Employment.
- (c) References.
- (d) Credit check.

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A truth verification exam may be required of each applicant depending on the type of assignment

A volunteer whose assignment requires the use of, access to or places him/her in the vicinity of criminal histories, investigative files or information portals shall require submission of prints and clearance through the Ohio Bureau of Criminal Identification and Investigation.

336.2.4 SELECTION AND PLACEMENT

Service as a volunteer shall begin with an official notice of acceptance or appointment to a volunteer position. Notice may only be given by an authorized representative of the Department, who will normally be the Volunteer Coordinator. No volunteer should begin performance of any position until he/she has been officially accepted for that position and completed all necessary screening and documentation.

At the time of final acceptance, each volunteer should complete all necessary enrollment documentation and will receive a copy of the agreement of service with the Department. All volunteers shall receive a copy of the this policy and shall be required to sign a volunteer agreement.

Volunteers should be placed only in assignments or programs that are consistent with their knowledge, skills, abilities and with the needs of the Department.

Reserve and auxiliary volunteers are generally assigned to augment regular staffing levels.

336.2.5 EMPLOYEES WORKING AS RESERVE OR AUXILIARY

Sworn employees of this department, when authorized, may also serve as reserve and auxiliary officers. However, the Department must not utilize the services of a reserve or volunteer in such a way that it would violate employment laws or labor agreements (example: a detention officer working as a reserve officer for reduced or no pay). Therefore, the Reserve and Auxiliary Coordinator should consult the Human Resources Office prior to an employee serving in a reserve, auxiliary or volunteer capacity (29 CFR 553.30).

336.2.6 TRAINING

Volunteers will be provided with an orientation program to acquaint them with the department, personnel, policies and procedures that have a direct impact on their work assignment.

Volunteers should receive position-specific training to ensure they have adequate knowledge and skills to complete tasks required by the position and should receive periodic ongoing training as deemed appropriate by their supervisor or the Volunteer Coordinator.

Depending on the assignment, training may include the following:

- (a) Role of the volunteer.
- (b) Department policies.
- (c) Training specific to the procedure manual for the volunteer position.
- (d) Discrimination and harassment training.
- (e) CPR/first aid.

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- (f) CERT/Citizens Emergency Response Training.
- (g) Search and rescue techniques.
- (h) Scenario-based searching methods.
- (i) Evidence preservation.
- (j) Basic traffic direction and control.
- (k) Roadway incursion safety.
- (l) Self-defense techniques.
- (m) Vehicle operations, including specialized vehicles.

Training should reinforce to volunteers that they should not intentionally represent themselves as, or by omission infer, that they are sworn officers or other full-time members of the Department. They shall always represent themselves as volunteers.

All volunteers shall comply with the rules of conduct and with all orders and directives, either oral or written, issued by the Department. Whenever a rule, regulation or guideline in this manual refers to a sworn officer, it shall also apply to a volunteer, unless by its nature it is inapplicable.

336.2.7 FITNESS FOR DUTY

No volunteer shall report to work or be on-duty when his/her judgment or physical condition has been impaired by alcohol, medication, other substances, illness or injury.

Volunteers shall report to their supervisor any changes in status that may affect their ability to fulfill their duties. This includes, but is not limited to, the following:

- (a) Driver license.
- (b) Medical condition.
- (c) Arrests.
- (d) Criminal investigations.
- (e) All law enforcement contacts.

All volunteers shall adhere to the guidelines set forth by this department regarding drug and alcohol use.

336.2.8 DRESS CODE

As representatives of the Department, volunteers are responsible for presenting a professional image to the community. Volunteers shall dress appropriately for the conditions and performance of their duties.

Volunteers shall conform to approved dress consistent with their duty assignment. Uniforms authorized for volunteers should be readily distinguishable from those worn by sworn officers. No volunteer shall wear his/her uniform or identifiable parts of that uniform while off-duty.

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Volunteers shall be required to return any issued uniform or department property at the termination of service.

336.3 SUPERVISION OF VOLUNTEERS

Each volunteer who is accepted to a position with the Department must have a clearly identified supervisor who is responsible for direct management of that volunteer. This supervisor will be responsible for day-to-day management and guidance of the work of the volunteer and should be available to the volunteer for consultation and assistance.

A volunteer may be assigned as, and act as, a supervisor of other volunteers provided the supervising volunteer is under the direct supervision of a paid staff member.

Functional supervision of volunteers is the responsibility of the supervisor in charge of the unit where the volunteer is assigned. Following are some considerations to keep in mind while supervising volunteers:

- (a) Take the time to introduce volunteers to employees on all levels.
- (b) Ensure volunteers have work space and the necessary office supplies.
- (c) Make sure the work is challenging. Do not hesitate to give them an assignment or task that will tap these valuable resources.

336.4 CONFIDENTIALITY

With appropriate security clearance, volunteers may have access to private and confidential information, such as criminal histories or investigative files. Unless otherwise directed by a supervisor, the duties of the position or department policy, all information shall be considered confidential. Only that information specifically identified and approved by authorized personnel shall be released. Confidential information shall be given only to persons who have a need and a right to know as determined by department policy and supervisory personnel.

Each volunteer will receive training in data practices and be required to sign a nondisclosure agreement before being given an assignment with the Department. Subsequent unauthorized disclosure of any private or confidential information, verbally, in writing or by any other means, by the volunteer is grounds for immediate dismissal and possible criminal prosecution.

Volunteers shall not address public gatherings, appear on radio or television, prepare any article for publication, act as correspondents to a newspaper or other periodical, release or divulge any information concerning the activities of the Department, or maintain that they represent the Department in such matters without permission from the proper department personnel.

336.5 PROPERTY AND EQUIPMENT

Volunteers will be issued an identification card that must be worn and visible at all times while on-duty. Any fixed and portable equipment issued by the Department shall be for official and authorized use only. Any property or equipment issued to a volunteer shall remain the property of the Department and shall be returned at the termination of service.

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336.5.1 VEHICLE USE

Volunteers are not permitted to operate Department vehicles.

The Volunteer Coordinator should ensure that all volunteers receive safety briefing updates at least once a year.

When riding as a passenger in a Department vehicle, volunteers shall obey all rules of the road, including seat belt requirements.

336.5.2 RADIO AND MDC USAGE

Volunteers shall successfully complete radio procedures training prior to using the law enforcement radio and shall comply with all related provisions. The Volunteer Coordinator should ensure that radio training is provided for volunteers whenever necessary.

336.6 DISCIPLINARY PROCEDURES/TERMINATION

A volunteer may be removed from the volunteer program at the discretion of the Chief of Police or the Volunteer Coordinator. Volunteers shall have no property interests in their continued appointment. However, if a volunteer is removed for alleged misconduct, the volunteer will be afforded an opportunity solely to clear his/her name through a liberty interest hearing. The hearing shall be limited to a single appearance before the Chief of Police or designee.

Volunteers may resign from volunteer service with this department at any time. It is requested that volunteers who intend to resign provide advance notice of their departure and a reason for their decision.

336.6.1 EXIT INTERVIEWS

Exit interviews, where possible, should be conducted with volunteers who are leaving their positions. The interview should ascertain why the volunteer is leaving the position and solicit the volunteer's suggestions on improving the position. When appropriate, the interview should also include a discussion on the possibility of involvement in some other capacity with the Department.

336.7 EVALUATION

An evaluation of the overall volunteer program will be conducted on an annual basis by the Volunteer Coordinator. Regular evaluations should be conducted with volunteers to ensure the best use of human resources, to ensure personnel problems can be identified and dealt with promptly and fairly, and to ensure optimum job satisfaction on the part of volunteers.

336.8 EMERGENCY CALL-OUT FOR VOLUNTEER PERSONNEL

The Volunteer Coordinator shall develop a plan outlining an emergency call-out procedure for volunteer personnel.

Chaplains

337.1 PURPOSE AND SCOPE

This policy establishes the guidelines for Blue Ash Police Department chaplains to provide counseling or emotional support to members of the Department, their families and members of the public.

337.2 POLICY

The Blue Ash Police Department shall ensure that department chaplains are properly appointed, trained and supervised to carry out their responsibilities without financial compensation.

337.3 ELIGIBILITY

Requirements for participation as a chaplain for the Department may include, but are not limited to:

- (a) Being above reproach, temperate, prudent, respectable, hospitable, able to teach, be free from addiction to alcohol or other drugs, and excessive debt.
- (b) Managing their households, families and personal affairs well.
- (c) Having a good reputation in the community.
- (d) Successful completion of an appropriate-level background investigation.
- (e) A minimum of five years of successful counseling experience.
- (f) Possession of a valid driver license.

The Chief of Police may apply exceptions for eligibility based on organizational needs and the qualifications of the individual.

337.4 RECRUITMENT, SELECTION AND APPOINTMENT

The Blue Ash Police Department shall endeavor to recruit and appoint only those applicants who meet the high ethical, moral and professional standards set forth by this department.

All applicants shall be required to meet and pass the same pre-employment procedures as department personnel before appointment.

337.4.1 RECRUITMENT

Chaplains should be recruited on a continuous and ongoing basis consistent with department policy on equal opportunity and nondiscriminatory employment. A primary qualification for participation in the application process should be an interest in and an ability to assist the Department in serving the public. Chaplain candidates are encouraged to participate in ride-alongs with department members before and during the selection process.

337.5 IDENTIFICATION AND UNIFORMS

As representatives of the Department, chaplains are responsible for presenting a professional image to the community. Chaplains shall dress appropriately for the conditions and performance of their duties. Uniforms and necessary safety equipment will be provided for each chaplain.

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Identification symbols worn by chaplains shall be different and distinct from those worn by officers through the inclusion of "Chaplain" on the uniform and not reflect any religious affiliation.

Chaplains will be issued Blue Ash Police Department identification cards, which must be carried at all times while on-duty. The identification cards will be the standard Blue Ash Police Department identification cards, with the exception that "Chaplain" will be indicated on the cards. Chaplains shall be required to return any issued uniforms or department property at the termination of service.

337.6 CHAPLAIN COORDINATOR

The Chief of Police shall delegate certain responsibilities to a chaplain coordinator. The coordinator shall be appointed by and directly responsible to the Administration Bureau Commander or the authorized designee.

The chaplain coordinator shall serve as the liaison between the chaplains and the Chief of Police. The function of the coordinator is to provide a central coordinating point for effective chaplain management within the Department, and to direct and assist efforts to jointly provide more productive chaplain services. Under the general direction of the Chief of Police or the authorized designee, chaplains shall report to the chaplain coordinator and/or Shift OIC.

The chaplain coordinator may appoint a senior chaplain or other designee to assist in the coordination of chaplains and their activities.

The responsibilities of the coordinator or the authorized designee include, but are not limited to:

- (a) Recruiting, selecting and training qualified chaplains.
- (b) Conducting chaplain meetings.
- (c) Establishing and maintaining a chaplain callout roster.
- (d) Maintaining records for each chaplain.
- (e) Tracking and evaluating the contribution of chaplains.
- (f) Maintaining a record of chaplain schedules and work hours.
- (g) Completing and disseminating, as appropriate, all necessary paperwork and information.
- (h) Planning periodic recognition events.
- (i) Maintaining liaison with other agency chaplain coordinators.

An evaluation of the overall use of chaplains will be conducted on an annual basis by the coordinator.

Off-Duty Law Enforcement Actions

338.1 PURPOSE AND SCOPE

The decision to become involved in a law enforcement action when off-duty can place an officer as well as others at great risk and must be done with careful consideration. This policy is intended to provide guidelines for officers of the Blue Ash Police Department with respect to taking law enforcement action while off-duty.

338.2 POLICY

Officers generally should not initiate law enforcement action while off-duty. Officers should not attempt to initiate enforcement action when witnessing minor crimes, such as suspected intoxicated drivers, reckless driving or minor property crimes. Such incidents should be promptly reported to the appropriate law enforcement agency.

When the safety of the public or the prevention of major property damage requires immediate action, officers should first consider reporting and monitoring the activity and only take direct action as a last resort.

Officers are not expected to place themselves in unreasonable peril. However, any sworn member of this department who becomes aware of an incident or circumstance that he/she reasonably believes poses an imminent threat of serious bodily injury or death, or significant property damage may take reasonable action to minimize the threat.

Officers should remember that their authority as a peace officer may not extend to actions taken outside their jurisdiction unless authorized by law (ORC § 2935.02, ORC § 2935.03(D) and ORC § 2935.04).

338.3 FIREARMS

Officers of this department may carry firearms while off-duty in accordance with federal regulations, state law, and Department policy. All firearms and ammunition must meet guidelines as described in the Department Firearms Policy. When carrying firearms while off-duty, officers shall also carry their Department-issued badge and identification.

Officers should refrain from carrying firearms when the consumption of alcohol is likely or when the need to carry a firearm is outweighed by safety considerations. Firearms shall not be carried by any officer who has consumed an amount of an alcoholic beverage or taken any drugs or medications or any combination thereof that would tend to adversely affect the officer's senses or judgment.

338.4 DECISION TO INTERVENE

There is no legal requirement for off-duty officers to take law enforcement action. However, should officers decide to intervene, they must evaluate whether the action is necessary or desirable and should take into consideration:

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- (a) The tactical disadvantage of being alone and the fact there may be multiple or hidden suspects.
- (b) The inability to communicate with responding units.
- (c) The lack of equipment, such as handcuffs, Oleoresin Capsicum (OC) spray or baton.
- (d) The lack of cover.
- (e) The potential for increased risk to bystanders if the off-duty officer were to intervene.
- (f) Unfamiliarity with the surroundings.
- (g) The potential for the off-duty officer to be misidentified by other peace officers or members of the public.

Officers should consider waiting for on-duty uniformed officers to arrive and gather as much accurate intelligence as possible instead of immediately intervening.

338.4.1 INTERVENTION PROCEDURE

If involvement is reasonably necessary, the officer should attempt to call or have someone else call 9-1-1 to request immediate assistance. The operator should be informed that an off-duty officer is on-scene and should be provided a description of the officer if possible.

Whenever practicable, the officer should loudly and repeatedly identify him/herself as an Blue Ash Police Department officer until acknowledged. Official identification should also be displayed.

338.4.2 INCIDENTS OF PERSONAL INTEREST

Officers should refrain from handling incidents of personal interest, (e.g., family or neighbor disputes) and should remain neutral. In such circumstances, officers should call the responsible agency to handle the matter.

338.4.3 RESPONSIBILITIES

Non-sworn personnel should not become involved in any law enforcement actions while off-duty except to notify the local law enforcement authority and remain at the scene, if safe and practicable.

338.4.4 OTHER CONSIDERATIONS

When encountering a non-uniformed officer in public, uniformed officers should wait for acknowledgement by the non-uniformed officer in case he/she needs to maintain an undercover capability.

338.5 REPORTING

Any officer, prior to taking any off-duty enforcement action, shall notify and receive approval of a supervisor (or other applicable law enforcement authority if acting outside the jurisdiction of the Blue Ash Police Department). If prior contact is not reasonably possible, an officer shall notify the applicable local law enforcement agency as soon as reasonably practicable. The Shift OIC shall determine whether a report should be filed by the employee.

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Officers should cooperate fully with the agency having jurisdiction in providing statements or reports as requested or as appropriate.

Department Use of Social Media

339.1 PURPOSE AND SCOPE

This policy provides guidelines to ensure that any use of social media on behalf of the Department is consistent with the department mission.

This policy does not address all aspects of social media use. Specifically, it does not address:

- Personal use of social media by department members (see the Employee Speech, Expression and Social Networking Policy).
- Use of social media in personnel processes (see the Recruitment and Selection Policy).
- Use of social media as part of a criminal investigation, other than disseminating information to the public on behalf of this department (see the Investigation and Prosecution Policy).

339.1.1 DEFINITIONS

Definitions related to this policy include:

Social media - Any of a wide array of Internet-based tools and platforms that allow for the sharing of information, such as the department website or social networking services.

339.2 POLICY

The Blue Ash Police Department may use social media as a method of effectively informing the public about department services, issues, investigations and other relevant events.

Department members shall ensure that the use or access of social media is done in a manner that protects the constitutional rights of all.

339.3 AUTHORIZED USERS

Only members authorized by the Chief of Police or the authorized designee may utilize social media on behalf of the Department. Authorized members shall use only department-approved equipment during the normal course of duties to post and monitor department-related social media, unless they are specifically authorized to do otherwise by their supervisors.

The Chief of Police may develop specific guidelines identifying the type of content that may be posted. Any content that does not strictly conform to the guidelines should be approved by a supervisor prior to posting.

Requests to post information over department social media by members who are not authorized to post should be made through the member's chain of command.

339.4 AUTHORIZED CONTENT

Only content that is appropriate for public release, that supports the department mission and conforms to all department policies regarding the release of information may be posted.

Examples of appropriate content include:

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- (a) Announcements.
- (b) Tips and information related to crime prevention.
- (c) Investigative requests for information.
- (d) Requests that ask the community to engage in projects that are relevant to the Department mission.
- (e) Real-time safety information that is related to in-progress crimes, geographical warnings or disaster information.
- (f) Traffic information.
- (g) Press releases.
- (h) Recruitment of personnel.

339.4.1 INCIDENT-SPECIFIC USE

In instances of active incidents where speed, accuracy and frequent updates are paramount (e.g., crime alerts, public safety information, traffic issues), the Public Information Officer or the authorized designee will be responsible for the compilation of information to be released, subject to the approval of the Incident Commander.

339.5 PROHIBITED CONTENT

Content that is prohibited from posting includes, but is not limited to:

- (a) Content that is abusive, discriminatory, inflammatory or sexually explicit.
- (b) Any information that violates individual rights, including confidentiality and/or privacy rights and those provided under state, federal or local laws.
- (c) Any information that could compromise an ongoing investigation.
- (d) Any information that could tend to compromise or damage the mission, function, reputation or professionalism of the Blue Ash Police Department or its members.
- (e) Any information that could compromise the safety and security of department operations, members of the Department, victims, suspects or the public.
- (f) Any content posted for personal use.
- (g) Any content that has not been properly authorized by this policy or a supervisor.

Any member who becomes aware of content on this department's social media site that he/she believes is unauthorized or inappropriate should promptly report such content to a supervisor. The supervisor will ensure its removal from public view and investigate the cause of the entry.

339.5.1 PUBLIC POSTING PROHIBITED

Department social media sites shall be designed and maintained to prevent posting of content by the public.

The Department may provide a method for members of the public to contact department members directly.

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339.6 MONITORING CONTENT

The Chief of Police will appoint a supervisor to review, at least annually, the use of department social media and report back on, at a minimum, the resources being used, the effectiveness of the content, any unauthorized or inappropriate content and the resolution of any issues.

339.7 RETENTION OF RECORDS

The Administration Bureau Commander should work with the Custodian of Records to establish a method of ensuring that public records generated in the process of social media use are retained in accordance with established records retention schedules.

339.8 TRAINING

Authorized members should receive training that, at a minimum, addresses legal issues concerning the appropriate use of social media sites, as well as privacy, civil rights, dissemination and retention of information posted on department sites.

Community Relations

340.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for community relationship-building.

Additional guidance on community relations and outreach is provided in other policies, including the:

- Hate or Prejudice Crimes Policy.
- Limited English Proficiency Services Policy.
- Communications with Persons with Disabilities Policy.
- Chaplains Policy.
- Patrol Function Policy.
- Suspicious Activity Reporting Policy.

340.2 POLICY

It is the policy of the Blue Ash Police Department to promote positive relationships between department members and the community by treating community members with dignity and respect and engaging them in public safety strategy development and relationship-building activities, and by making relevant policy and operations information available to the community in a transparent manner.

340.3 MEMBER RESPONSIBILITIES

Officers should, as time and circumstances reasonably permit:

- (a) Make casual and consensual contacts with community members to promote positive community relationships (see the Contacts and Temporary Detentions Policy).
- (b) Become reasonably familiar with the schools, businesses, and community groups in their assigned jurisdictional areas.
- (c) Work jointly with community members and the department community relations coordinator to identify areas of concern and solve problems related to community relations and public safety.
- (d) Conduct periodic foot patrols of their assigned areas to facilitate interaction with community members. Officers carrying out foot patrols should notify an appropriate supervisor and Dispatch of their status (i.e., on foot patrol) and location before beginning and upon completion of the foot patrol. They should also periodically inform Dispatch of their location and status during the foot patrol.

340.4 COMMUNITY RELATIONS COORDINATOR

The Chief of Police or the authorized designee should designate a member of the Department to serve as the community relations coordinator. The coordinator should report directly to the Chief of Police or authorized designee and is responsible for:

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- (a) Obtaining department-approved training related to the coordinator's responsibilities.
- (b) Responding to requests from department members and the community for assistance in identifying areas of concern and solving problems related to community relations and public safety.
- (c) Organizing surveys to measure the condition of the department's relationship with the community.
- (d) Working with community groups, department members, and other community resources to:
 - 1. Identify and solve public safety problems within the community.
 - 2. Organize programs and activities that help build positive relationships between department members and the community and provide community members with an improved understanding of department operations.
- (e) Working with the Operations Bureau Commander to develop patrol deployment plans that allow officers the time to participate in community engagement and problem-solving activities.
- (f) Recognizing department and community members for exceptional work or performance in community relations efforts.
- (g) Attending City council and other community meetings to obtain information on community relations needs.
- (h) Assisting with the department's response to events that may affect community relations, such as an incident where the conduct of a department member is called into public question.
- (i) Informing the Chief of Police and others of developments and needs related to the furtherance of the department's community relations goals, as appropriate.
- (j) Coordinating training as provided in this policy, including documentation of member awareness and understanding of the policy and training.

340.5 SURVEYS

The community relations coordinator should arrange for a survey of community members and department members to be conducted at least annually to assess the condition of the relationship between the Department and the community. Survey questions should be designed to evaluate perceptions of the following:

- (a) Overall performance of the Department
- (b) Overall competence of department members
- (c) Attitude and behavior of department members
- (d) Level of community trust in the Department
- (e) Safety, security or other concerns

A written summary of the compiled results of the survey should be provided to the Chief of Police.

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340.6 COMMUNITY AND YOUTH ACTIVITIES AND PROGRAMS

The community relations coordinator should organize or assist with programs and activities that create opportunities for department members and community members, especially youth, to interact in a positive setting. Examples of such programs and events include:

- (a) Department-sponsored athletic programs (e.g., baseball, basketball, soccer, bowling).
- (b) Police-community get-togethers (e.g., cookouts, meals, charity events).
- (c) Youth leadership and life skills mentoring.
- (d) School resource officer/Drug Abuse Resistance Education (D.A.R.E.®) programs.
- (e) Neighborhood Watch and crime prevention programs.

340.7 INFORMATION SHARING

The community relations coordinator should work with the Public Information Officer to develop methods and procedures for the convenient sharing of information (e.g., major incident notifications, significant changes in department operations, comments, feedback, positive events) between the Department and community members. Examples of information-sharing methods include:

- (a) Community meetings.
- (b) Social media (see the Department Use of Social Media Policy).
- (c) Department website postings.

Information should be regularly refreshed, to inform and engage community members continuously.

340.8 LAW ENFORCEMENT OPERATIONS EDUCATION

The community relations coordinator should develop methods to educate community members on general law enforcement operations and department policies and procedures so they may understand the work that officers do to keep the community safe. Examples of educational methods include:

- (a) Development and distribution of informational cards/flyers.
- (b) Department website postings.
- (c) Presentations to driver education classes.
- (d) Instruction in schools.
- (e) Department ride-alongs (see the Ride-Alongs Policy).
- (f) Scenario/simulation exercises with community member participation.
- (g) Youth internships at the Department.
- (h) Citizen academies.

Instructional information should include direction on how community members should interact with the police during enforcement or investigative contacts and how community members can make

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a complaint to the Department regarding alleged misconduct or inappropriate job performance by department members.

340.9 SAFETY AND OTHER CONSIDERATIONS

Department members responsible for community relations activities should consider the safety of the community participants and, as much as reasonably practicable, should not allow them to be present in any location or situation that would jeopardize their safety.

Department members in charge of community relations events should ensure that participating community members have completed waiver forms before participation, if appropriate. A parent or guardian must complete the waiver form if the participating community member has not reached 18 years of age.

Community members are subject to a criminal history check before approval for participation in certain activities, such as citizen academies.

340.10 COMMUNITY ADVISORY COMMITTEE

The Chief of Police should establish a committee of volunteers consisting of community members, community leaders and other community stakeholders (e.g., representatives from schools, churches, businesses, social service organizations). The makeup of the committee should reflect the demographics of the community as much as practicable.

The committee should convene regularly to:

- (a) Provide a public forum for gathering information about public safety concerns in the community.
- (b) Work with the Department to develop strategies to solve public safety problems.
- (c) Generate plans for improving the relationship between the Department and the community.
- (d) Participate in community outreach to solicit input from community members, including youth from the community.

The Administrative Lieutenant should arrange for initial and ongoing training for committee members on topics relevant to their responsibilities.

The Chief of Police may include the committee in the evaluation and development of department policies and procedures and may ask them to review certain personnel complaints for the purpose of providing recommendations regarding supervisory, training or other issues as appropriate.

340.10.1 LEGAL CONSIDERATIONS

The Chief of Police and the community relations coordinator should work with the City Solicitor as appropriate to ensure the committee complies with any legal requirements such as public notices, records maintenance and any other associated obligations or procedures.

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340.11 TRANSPARENCY

The Department should periodically publish statistical data and analysis regarding the department's operations. The reports should not contain the names of officers, suspects or case numbers. The community relations coordinator should work with the community advisory committee to identify information that may increase transparency regarding department operations.

340.12 TRAINING

Subject to available resources, members should receive training related to this policy, including training on topics such as:

- (a) Effective social interaction and communication skills.
- (b) Cultural, racial and ethnic diversity and relations.
- (c) Building community partnerships.
- (d) Community policing and problem-solving principles.
- (e) Enforcement actions and their effects on community relations.

Where practicable and appropriate, community members, especially those with relevant expertise, should be involved in the training to provide input from a community perspective.

340.12.1 POLICY ACKNOWLEDGEMENT

Applicable department members shall initially read and sign that they understand this policy.

Chapter 4 - Patrol Operations

Patrol Function

400.1 PURPOSE AND SCOPE

The purpose of this policy is to define the functions of the patrol unit of the Department to ensure intraorganizational cooperation and information sharing.

400.1.1 FUNCTION

Officers will generally patrol in clearly marked vehicles; however, unmarked vehicles may be used for non-traffic patrol at the discretion of the shift supervisor. They will patrol assigned jurisdictional areas of Blue Ash, respond to calls for assistance, act as a deterrent to crime, enforce state, local and federal laws when authorized or empowered by agreement or statute, and respond to emergencies 24 hours a day, seven days a week.

Patrol will generally provide the following services within the limits of available resources:

- (a) Patrol that is directed at the prevention of criminal acts, traffic violations and collisions, the maintenance of public order and the discovery of hazardous situations or conditions.
- (b) Crime prevention activities, such as residential vacation checks, business checks, school checks, and community presentations.
- (c) Calls for service, both routine and emergency.
- (d) Investigation of both criminal and non-criminal acts.
- (e) The apprehension of criminal offenders.
- (f) Community Oriented Policing and problem-solving activities, such as citizen assists and individual citizen contacts of a positive nature.
- (g) The sharing of information between the patrol and other bureaus within the Department, as well as other government agencies.
- (h) The application of resources to specific problems or situations within the community that may be improved or resolved by Community Oriented Policing and problem-solving strategies.
- (i) Traffic direction and control.
- (j) Disasters, civic unrest and natural emergencies.
- (k) Assist in the service of civil papers.

400.1.2 TERRORISM

It is the goal of the Blue Ash Police Department to make every reasonable effort to accurately and appropriately gather and report any information that may relate to either foreign or domestic terrorism. Officers should advise a supervisor as soon as practicable of any activity believed to be terrorism related and should document such incidents with a written report or Field Interview (FI).

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The supervisor should ensure that all terrorism-related reports and FIs are forwarded to the Terrorism Liaison Officer (TLO) or Fusion Center in a timely fashion.

400.2 PATROL INFORMATION SHARING PROCEDURES

The following guidelines are intended to develop and maintain intraorganizational cooperation and information flow between the various bureaus of the Blue Ash Police Department.

400.2.1 CRIME REPORTS

A crime report may be completed by any patrol officer who receives criminal information.

400.2.2 PATROL BRIEFINGS

Patrol supervisors and investigative sergeants are encouraged to share information as much as reasonably possible. All supervisors and/or officers will be provided an opportunity to share information through daily patrol briefings, as time permits.

400.2.3 INFORMATION CLIPBOARDS

Several information clipboards will be maintained for briefing and will be available for review by officers from all bureaus within the Department.

400.2.4 BULLETIN BOARDS

A bulletin board will be kept in the briefing room. New General Orders will be made available for patrol supervisors and will be discussed at briefings and/or shift meetings. A copy of the General Order will be placed on the bulletin board.

400.3 CROWDS, EVENTS AND GATHERINGS

Officers may encounter gatherings of people, including but not limited to, civil demonstrations, civic, social and business events, public displays, parades and sporting events. Officers should monitor such events as time permits in an effort to keep the peace and protect the safety and rights of those present. A patrol supervisor should be notified when it becomes reasonably foreseeable that such an event may require increased monitoring, contact or intervention.

Officers responding to an event or gathering that warrants law enforcement involvement should carefully balance the speech and association rights of those present with applicable public safety concerns before taking enforcement action. Officers are encouraged to contact organizers or responsible persons to seek voluntary compliance that may address relevant public safety/order concerns.

Officers should consider enforcement of applicable state and local laws when the activity blocks the entrance or egress of a facility or location and when voluntary compliance with the law is not achieved.

Bias-Based Policing

401.1 PURPOSE AND SCOPE

This policy provides guidance to department members that affirms the Blue Ash Police Department's commitment to policing that is fair and objective.

Nothing in this policy prohibits the use of specified characteristics in law enforcement activities designed to strengthen the department's relationship with its diverse communities (e.g., cultural and ethnicity awareness training, youth programs, community group outreach, partnerships).

401.1.1 DEFINITIONS

Definitions related to this policy include:

Bias-based policing - An inappropriate reliance on actual or perceived characteristics such as race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, economic status, age, cultural group, disability, or affiliation with any non-criminal group (protected characteristics) as the basis for providing differing law enforcement service or enforcement.

401.2 POLICY

The Blue Ash Police Department is committed to providing law enforcement services to the community with due regard for the racial, cultural or other differences of those served. It is the policy of this department to provide law enforcement services and to enforce the law equally, fairly, objectively and without discrimination toward any individual or group.

401.3 BIAS-BASED POLICING PROHIBITED

Bias-based policing is strictly prohibited in all enforcement actions, including traffic contacts, field contacts, and asset seizure and forfeiture efforts.

However, nothing in this policy is intended to prohibit an officer from considering protected characteristics in combination with credible, timely, and distinct information connecting a person or people of a specific characteristic to a specific unlawful incident, or to specific unlawful incidents, specific criminal patterns, or specific schemes.

401.4 MEMBER RESPONSIBILITIES

Every member of this department shall perform his/her duties in a fair and objective manner and is responsible for promptly reporting any suspected or known instances of bias-based policing to a supervisor. Members should, when reasonable to do so, intervene to prevent any biased-based actions by another member.

401.4.1 REASON FOR CONTACT

Officers contacting a person shall be prepared to articulate sufficient reason for the contact, independent of the protected characteristics of the individual.

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To the extent that written documentation would otherwise be completed (e.g., arrest report, field interview card), the involved officer should include those facts giving rise to the contact, as applicable.

Except for required data-collection forms or methods, nothing in this policy shall require any officer to document a contact that would not otherwise require reporting.

401.4.2 REPORTING TRAFFIC STOPS

Each time an officer makes a self-initiated traffic stop, the officer shall report the gender and race or ethnicity of the driver.

401.4.3 ATTORNEY GENERAL REPORTS

The Operations Bureau Commander should ensure that procedures are in place for the submission of bi-monthly reports relating to certain traffic citations (e.g., texting while driving, driving while distracted) to the Ohio Attorney General's Office consistent with the requirements of ORC § 4511.992.

401.5 SUPERVISOR RESPONSIBILITIES

Supervisors should monitor those individuals under their command for compliance with this policy and shall handle any alleged or observed violations in accordance with the Personnel Complaints Policy.

- (a) Supervisors should discuss any issues with the involved officer and his/her supervisor in a timely manner.
 - 1. Supervisors should document these discussions, in the prescribed manner.
- (b) Supervisors should periodically review Mobile Video Recorder recordings, portable audio/video recordings, Mobile Data Computer (MDC) data and any other available resource used to document contact between officers and the public to ensure compliance with this policy.
 - 1. Supervisors should document these periodic reviews.
 - 2. Recordings or data that capture a potential instance of bias-based policing should be appropriately retained for administrative investigation purposes.
- (c) Supervisors shall initiate investigations of any actual or alleged violations of this policy.
- (d) Supervisors should take prompt and reasonable steps to address any retaliatory action taken against any member of this department who discloses information concerning bias-based policing.

401.6 ADMINISTRATION

The Operations Bureau Commander should prepare a documented annual review of department practices, collected data, and citizen concerns and complaints and submit an annual report to the Chief of Police. The annual report should not contain any identifying information about any specific complaint, citizen, or officers. It should be reviewed by the Chief of Police to identify any changes in training or operations that should be made to improve service.

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Supervisors should review the annual report and discuss the results with those they are assigned to supervise.

401.6.1 PUBLISHING AN ANNUAL REPORT TO THE PUBLIC

The Chief of Police or the authorized designee shall prepare an annual report for the public that documents the annual administrative review of agency practices, data collected and citizens' concerns.

401.7 TRAINING

The Training Unit should provide annual training on this policy and fair and objective policing. The training should include bias-based policing issues and relevant legal aspects, such as: field contacts, traffic stops, search issues, asset seizure and forfeiture, interview techniques, cultural diversity, discrimination, and community support.

401.7.1 TRAINING FREQUENCY AND TOPICS

The Training Unit should provide annual training that includes topics, such as field contacts, traffic stops, search issues, asset seizure and forfeiture, interview techniques, cultural diversity, discrimination and community support.

Briefing

402.1 PURPOSE AND SCOPE

Briefing is generally conducted at the beginning of the officer's assigned shift. Briefing provides an opportunity for important exchange between employees and supervisors. A supervisor generally will conduct briefing. However, officers may conduct briefing for training purposes with supervisor approval.

Briefing should accomplish, at a minimum, the following basic tasks:

- (a) Briefing officers with information regarding daily patrol activity, with particular attention given to unusual situations and changes in the status of wanted persons, stolen vehicles and major investigations.
- (b) Notifying officers of changes in schedules and assignments.
- (c) Notifying officers of new General Orders or changes in General Orders.
- (d) Reviewing recent incidents for training purposes.
- (e) Providing training on a variety of subjects.

402.2 BRIEFING AND ROLL CALL TRAINING

Briefing and roll call training is generally conducted at the beginning or conclusion of the officer's assigned shift, yet it may occur at another period. Briefing and roll call training should incorporate short training segments on a variety of subjects and may include:

- (a) Review and discussion of new or updated policies.
- (b) Present and discuss proper application of existing policy to routine daily activities.
- (c) Present and discuss proper application of existing policy to unusual activities.
- (d) Reviewing recent incidents for training purposes.

402.3 PREPARATION OF MATERIALS

The supervisor conducting briefing and/or roll call training, or the officer if the supervisor is unable to participate in a group briefing or roll call training session, is responsible for collection and preparation of the materials necessary for a constructive briefing and/or roll call training. A supervisor may delegate this responsibility to a subordinate officer in his/her absence or for training purposes.

402.4 RETENTION OF BRIEFING AND ROLL CALL TRAINING RECORDS

Briefing and roll call training materials and a curriculum or summary shall be forwarded to the Staff Lieutenant for inclusion in training records, as appropriate.

Crime and Disaster Scene Integrity

403.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance in handling a major crime or disaster.

403.2 POLICY

It is the policy of the Blue Ash Police Department to secure crime or disaster scenes so that evidence is preserved, and to identify and mitigate the dangers associated with a major crime or disaster scene for the safety of the community and those required to enter or work near the scene.

403.3 SCENE RESPONSIBILITY

The first officer at the scene of a crime or major incident is generally responsible for the immediate safety of the public and preservation of the scene. Officers shall also consider officer safety and the safety of those persons entering or exiting the area, including those rendering medical aid to any injured parties. Once an officer has assumed or been assigned to maintain the integrity and security of the crime or disaster scene, the officer shall maintain the crime or disaster scene until he/she is properly relieved by a supervisor or other designated person.

403.4 FIRST RESPONDER CONSIDERATIONS

The following list generally describes the first responder's function at a crime or disaster scene. This list is not intended to be all-inclusive, is not necessarily in order and may be altered according to the demands of each situation:

- (a) Broadcast emergency information, including requests for additional assistance and resources.
- (b) Provide for the general safety of those within the immediate area by mitigating, reducing or eliminating threats or dangers.
- (c) Locate or identify suspects and determine whether dangerous suspects are still within the area.
- (d) Provide first aid to injured parties if it can be done safely.
- (e) Evacuate the location safely as required or appropriate.
- (f) Secure the inner perimeter.
- (g) Protect items of apparent evidentiary value.
- (h) Secure an outer perimeter.
- (i) Identify potential witnesses.
- (j) Start a chronological log noting critical times and personnel allowed access.

403.5 SEARCHES

Officers arriving at crime or disaster scenes are often faced with the immediate need to search for and render aid to victims, and to determine if suspects are present and continue to pose a threat. Once officers are satisfied that no additional suspects are present and/or there are no injured

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persons to be treated, those exigent circumstances will likely no longer exist. Officers should thereafter secure the scene and conduct no further search until additional or alternate authority for the search is obtained, such as consent or a search warrant.

403.5.1 CONSENT

When possible, officers should seek written consent to search from authorized individuals. However, in the case of serious crimes or major investigations, it may be prudent to also obtain a search warrant. Consent as an additional authorization may be sought, even in cases where a search warrant has been granted.

Ride-Alongs

404.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for a ride-along with members of the Blue Ash Police Department. This policy provides the requirements, approval process, hours of operation, and member responsibilities for ride-alongs.

404.2 REQUESTS TO PARTICIPATE

Generally, ride-along and job observation requests will be maintained and scheduled by the Operations Lieutenant. The applicant will complete and sign a ride-along or job observation waiver form. If the applicant is under 18 years of age, a parent or guardian must be present to complete the waiver form. Information requested will include a valid state-issued identification card or driver license number, birthdate, address, and telephone number.

The Operations Lieutenant will schedule a date, based on availability, generally one week after the date of application. If approved, a copy of the waiver form will be forwarded to the appropriate bureau as soon as possible for scheduling considerations.

If the request is denied, a representative of the department will advise the applicant of the denial.

404.3 MEMBERS RESPONSIBILITIES

The department member shall consider the safety of the ride-along or job observation participant at all times. The member shall maintain control over the participant and shall instruct the individual about the conditions that necessarily limit the individual's participation. Instructions should include:

- (a) The participant will follow the directions of the department member.
- (b) The participant will not become involved in any investigation, handling of evidence, discussions with victims or suspects, reading an individual's criminal history or other protected information, or handling any police department equipment.
- (c) Participation may be terminated at any time by the member if the participant interferes with the performance of the member's duties.
 - 1. If the ride-along is in progress, the member may return the participant to the point the ride originated.
- (d) Participants may be allowed to continue a ride-along during the transportation and booking process, provided it does not jeopardize their safety.
- (e) Members will not allow participants to be present in any location or situation that would jeopardize the participant's safety or cause undue stress or embarrassment to a victim or any other member of the public.
- (f) Participants who are not law enforcement officers shall not be permitted to accompany the department member into a private residence without the express consent of the resident or other authorized person.

The member assigned to provide a ride-along shall advise the dispatcher that a ride-along participant is present in the vehicle before going into service. An officer with a ride-along participant

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should use sound discretion when encountering a potentially dangerous situation and, if feasible, let the participant out of the vehicle in a well-lighted public place. The dispatcher will be advised of the situation and as soon as practicable have another department member respond to pick up the participant at that location. The ride-along may be continued or terminated at this time.

Conduct by a person participating in a ride-along that results in termination of the ride-along, or is otherwise inappropriate, should be immediately reported to the Shift OIC. The member should enter comments regarding the reasons for terminating the ride-along on the waiver form.

Upon completion of the ride-along, the member shall return the waiver form to the Operations Lieutenant.

404.4 POLICY

Ride-along opportunities will be provided to the members of the public, City employees, and members of this department to observe and experience, first-hand, various functions of the Blue Ash Police Department. The term "ride-along" includes riding as a passenger with an officer on patrol or observing the work day of members engaged in other functions within the Department, such as Dispatch.

404.5 ELIGIBILITY

A ride-along is available to Blue Ash residents and business owners, students currently attending class in Blue Ash, and those employed within the City of Blue Ash. Efforts will be made to accommodate all interested persons. However, any applicant may be disqualified without cause from participating.

Factors that may be considered in disqualifying an applicant include, but are not limited to:

- Being under 15 years of age.
- Prior criminal history.
- Pending criminal action.
- Pending lawsuit against this department or the [city/county].
- Denial by any supervisor.

404.6 AVAILABILITY

A ride-along or job observation is available most days of the week, from 10:00 a.m. to 11:00 p.m. Exceptions to this schedule may be made as approved by the Chief of Police or Operations Lieutenant.

404.7 PROCEDURES

Once approved, ride-along applicants will be allowed to participate no more than once every twelve months. An exception may apply to the following law enforcement-involved participants:

- Explorers
- Volunteers

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- Chaplains
- Reserves
- Blue Ash Police Department applicants
- Any others with approval of the Shift OIC
- Students enrolled in any department-approved dispatcher training course

An effort will be made to ensure that no more than one member of the public will participate in a ride-along or job observation during any given time period. Normally, no more than one ride-along participant will be allowed in department vehicles at a given time.

Ride-along requirements for department Explorers are covered in the Police Cadets and Explorers Policy.

404.7.1 OFF-DUTY PARTICIPATION

Off-duty members of this department or any other law enforcement agency, and employees of the City, will not be permitted to participate in a ride-along with on-duty members of this department without the express consent of the Operations Lieutenant.

In the event that such participation is permitted, the off-duty department member, other law enforcement agency personnel, or City employee shall not:

- (a) Be considered on-duty.
- (b) Represent themselves as a member of this department or any other law enforcement agency.
- (c) Participate in any law enforcement activity except as emergency circumstances may require.

404.7.2 CRIMINAL HISTORY CHECK

All ride-along applicants are subject to a criminal history check. The criminal history check may include a local records check and any other authorized state or national check prior to approval (provided the ride-along is not an employee of the Blue Ash Police Department).

404.7.3 SUITABLE ATTIRE

Any person approved to participate in a ride-along is required to be suitably dressed in a collared shirt, blouse or jacket, slacks, and shoes. Sandals, t-shirts, tank tops, shorts, and ripped or torn pants are not permitted. Hats and ball caps will not be worn without the express consent of the Shift OIC. The Shift OIC or a supervisor may refuse a ride-along to anyone who is not dressed appropriately.

Hazardous Material Response

405.1 PURPOSE AND SCOPE

Hazardous materials present a potential harm to employees as a result of their exposure. To comply with Ohio law, the following represents the policy of this department.

405.1.1 HAZARDOUS MATERIAL DEFINED

Hazardous Material - A substance which, by its nature, containment, or reactivity, has the capability of inflicting harm during exposure; characterized as being toxic, corrosive, flammable, reactive, an irritant, or strong sensitizer and thereby posing a threat to health when improperly managed.

405.2 HAZARDOUS MATERIAL RESPONSE

Employees may encounter situations involving suspected hazardous materials, such as at the scene of a traffic collision, chemical spill or fire. When employees come into contact with a suspected hazardous material, certain steps should be taken to protect themselves and other persons.

A hazardous material response shall be in compliance with the County Chemical Emergency Response and Preparedness Plan (ORC § 3750.01 et seq.; OAC § 3750-1-01 et seq.).

The fire department, under the Ohio Fire Service Emergency Response Plan (OFCERP) for Hazardous Materials/WMD Incident Response, is the agency trained and equipped to properly respond and mitigate most hazardous materials and biohazards. Fire department personnel have the primary role and authority in a HAZMAT incident. The OFCERP provides a central contact number for requests for assistance and operations support (888-822-4900).

Responders should not perform tasks or use equipment without proper training.

A responder entering the area may require decontamination before he/she is allowed to depart the scene and should be evaluated by appropriate technicians and medical professionals for signs of exposure.

The following steps should be considered at any scene involving suspected hazardous materials:

- (a) Make reasonable efforts to secure the scene to prevent access from unauthorized personnel.
- (b) Safely attempt to identify the type of hazardous material. Identification can be determined by placard, driver's manifest or statements from the person transporting the material.
- (c) Notify the appropriate fire department.
- (d) Provide first aid to injured parties if it can be done safely and without contamination.
- (e) Begin evacuation of the immediate and surrounding areas dependent on the material. Voluntary evacuation should be considered. Depending on the material, mandatory evacuation may be necessary.

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- (f) Responders should remain uphill and upwind of the hazard until a zone of entry and a decontamination area is established.

405.3 REPORTING EXPOSURE

Department personnel who believe that they have been exposed to a hazardous material shall immediately report the exposure to a supervisor. Each exposure shall be documented by the employee in a City of Blue Ash Employee Accident Report Form, which shall be forwarded via chain of command to the Chief of Police. Should the affected employee be unable to document the exposure for any reason, it shall be the responsibility of the notified supervisor to complete the report.

Injury or illness caused or believed to be caused from exposure to hazardous materials shall be reported the same as any other on-duty injury or illness, in addition to a crime report or incident report.

405.3.1 SUPERVISOR RESPONSIBILITIES

When a supervisor has been informed that an employee has been exposed to a hazardous material, he/she shall ensure that immediate medical treatment is obtained and appropriate action is taken to treat the exposure.

To ensure the safety of employees, safety equipment is available through supervisory personnel. Safety items not maintained by the Department will be obtained through the appropriate fire department.

Hostage and Barricade Incidents

406.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for situations where officers have legal cause to contact, detain or arrest a person, and the person refuses to submit to the lawful requests of the officers by remaining in a structure or vehicle and/or by taking a hostage.

The scope of this policy is not intended to address all variables that officers encounter during their initial response or when a hostage or barricade situation has developed. This policy does not require or purport to recommend specific strategies or tactics for resolution as each incident is a dynamic and rapidly evolving event.

406.1.1 DEFINITIONS

Definitions related to this policy include:

Barricade situation - An incident where a person maintains a position of cover or concealment and ignores or resists law enforcement personnel, and it is reasonable to believe the subject is armed with a dangerous or deadly weapon.

Hostage situation - An incident where it is reasonable to believe a person is unlawfully held by a hostage-taker as security so that specified terms or conditions will be met.

406.2 POLICY

It is the policy of the Blue Ash Police Department to address hostage and barricade situations with due regard for the preservation of life and balancing the risk of injury, while obtaining the safe release of hostages, apprehending offenders and securing available evidence.

406.3 COMMUNICATION

When circumstances permit, initial responding officers should try to establish and maintain lines of communication with a barricaded person or hostage-taker. Officers should attempt to identify any additional subjects, inquire about victims and injuries, seek the release of hostages, gather intelligence information, identify time-sensitive demands or conditions and obtain the suspect's surrender.

When available, department-authorized negotiators should respond to the scene as soon as practicable and assume communication responsibilities. Negotiators are permitted to exercise flexibility in each situation based upon their training, the circumstances presented, suspect actions or demands and the available resources.

406.4 FIRST RESPONDER CONSIDERATIONS

First responding officers should promptly and carefully evaluate all available information to determine whether an incident involves, or may later develop into, a hostage or barricade situation.

The first responding officer should immediately request a supervisor's response as soon as it is determined that a hostage or barricade situation exists. The first responding officer shall assume the duties of the supervisor until relieved by a supervisor or a more qualified responder. The officer

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shall continually evaluate the situation, including the level of risk to officers, to the persons involved and to bystanders, and the resources currently available.

The handling officer should brief the arriving supervisor of the incident, including information about suspects and victims, the extent of any injuries, additional resources or equipment that may be needed, and current perimeters and evacuation areas.

406.4.1 BARRICADE SITUATION

Unless circumstances require otherwise, officers handling a barricade situation should attempt to avoid a forceful confrontation in favor of stabilizing the incident by establishing and maintaining lines of communication while awaiting the arrival of specialized personnel and trained negotiators. During the interim the following options, while not all-inclusive or in any particular order, should be considered:

- (a) Ensure injured persons are evacuated from the immediate threat area if it is reasonably safe to do so. Request medical assistance.
- (b) Assign personnel to a contact team to control the subject should he/she attempt to exit the building, structure or vehicle, and attack, use deadly force, attempt to escape or surrender prior to additional resources arriving.
- (c) Request additional personnel, resources and equipment as needed (e.g., canine team, air support).
- (d) Provide responding emergency personnel with a safe arrival route to the location.
- (e) Evacuate non-injured persons in the immediate threat area if it is reasonably safe to do so.
- (f) Attempt or obtain a line of communication and gather as much information on the subject as possible, including weapons, other involved parties, additional hazards or injuries.
- (g) Establish an inner and outer perimeter as circumstances require and resources permit to prevent unauthorized access.
- (h) Evacuate bystanders, residents and businesses within the inner and then outer perimeter as appropriate. Check for injuries, the presence of other involved subjects, witnesses, evidence or additional information.
- (i) The OIC shall make Blue Ash Command Page notification and request HCPA SWAT via the Hamilton County Communications Center.
- (j) Establish a tactical radio frequency for the incident and a command post.

406.4.2 HOSTAGE SITUATION

Officers presented with a hostage situation should attempt to avoid a forceful confrontation in favor of controlling the incident in anticipation of the arrival of specialized personnel and trained hostage negotiators. However, it is understood that hostage situations are dynamic and can require that

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officers react quickly to developing or changing threats. The following options while not all-inclusive or in any particular order, should be considered:

- (a) Ensure injured persons are evacuated from the immediate threat area if it is reasonably safe to do so. Request medical assistance.
- (b) Assign personnel to a contact team to control the subject should he/she attempt to exit the building, structure or vehicle, and attack, use deadly force, attempt to escape or surrender prior to additional resources arriving.
- (c) Establish a rapid response team in the event it becomes necessary to rapidly enter a building, structure or vehicle, such as when the suspect is using deadly force against any hostages (see the Rapid Response and Deployment Policy).
- (d) Assist hostages or potential hostages to escape if it is reasonably safe to do so. Hostages should be kept separated if practicable pending further interview.
- (e) Request additional personnel, resources and equipment as needed (e.g., canine team, air support).
- (f) Provide responding emergency personnel with a safe arrival route to the location.
- (g) Evacuate non-injured persons in the immediate threat area if it is reasonably safe to do so.
- (h) Coordinate pursuit or surveillance vehicles and control of travel routes.
- (i) Attempt or obtain a line of communication and gather as much information about the suspect as possible, including any weapons, victims and their injuries, additional hazards, other involved parties and any other relevant intelligence information.
- (j) Establish an inner and outer perimeter as resources and circumstances permit to prevent unauthorized access.
- (k) Evacuate bystanders, residents and businesses within the inner and then outer perimeter as appropriate. Check for injuries, the presence of other involved subjects, witnesses, evidence or additional information.
- (l) The OIC shall make Blue Ash Command Page notification and request HCPA SWAT via the Hamilton County Communications Center.
- (m) Establish a tactical radio frequency for the incident and a command post.

406.5 SUPERVISOR RESPONSIBILITIES

Upon being notified that a hostage or barricade situation exists, the supervisor should immediately respond to the scene, assess the risk level of the situation, establish a proper chain of command and assume the role of Incident Commander until properly relieved. This includes requesting a SWAT response if appropriate and apprising the SWAT Commander of the circumstances. In addition, the following options, listed here in no particular order, should be considered:

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- (a) Ensure injured persons are evacuated and treated by medical personnel.
- (b) Ensure the completion of necessary first responder responsibilities or assignments.
- (c) Request crisis negotiators, specialized units, additional personnel, resources or equipment as appropriate.
- (d) Establish a command post location as resources and circumstances permit.
- (e) Designate assistants who can help with intelligence information and documentation of the incident.
- (f) If it is practicable to do so, arrange for video documentation of the operation.
- (g) Consider contacting utility and communication providers when restricting such services (e.g., restricting electric power, gas, telephone service).
- (h) Ensure adequate law enforcement coverage for the remainder of the City during the incident. The supervisor should direct non-essential personnel away from the scene unless they have been summoned by the supervisor or Dispatch.
- (i) Identify a media staging area outside the outer perimeter and have the department PIO or a designated temporary media representative provide media access in accordance with the Media Relations Policy.
- (j) Identify the need for mutual aid and the transition or relief of personnel for incidents of extended duration.
- (k) Debrief personnel and review documentation as appropriate.

406.6 SWAT RESPONSIBILITIES

It will be the Incident Commander's decision, with input from the SWAT Commander, whether to deploy the SWAT during a hostage or barricade situation. Once the Incident Commander authorizes deployment, the SWAT Commander or the authorized designee will be responsible for the tactical portion of the operation. The Incident Commander shall continue supervision of the command post operation, outer perimeter security and evacuation, media access and support for the SWAT. The Incident Commander and the SWAT Commander or the authorized designee shall maintain communications at all times.

406.7 REPORTING

Unless otherwise relieved by a supervisor or Incident Commander, the handling officer at the scene is responsible for completion and/or coordination of incident reports.

Response to Bomb Calls

407.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines to assist members of the Blue Ash Police Department in their initial response to incidents involving explosives, explosive devices, explosion/bombing incidents or threats of such incidents. Under no circumstances should these guidelines be interpreted as compromising the safety of first responders or the public. When confronted with an incident involving explosives, safety should always be the primary consideration.

407.2 POLICY

It is the policy of the Blue Ash Police Department to place a higher priority on the safety of persons and the public over damage or destruction to public or private property.

407.3 RECEIPT OF BOMB THREAT

Department members receiving a bomb threat should obtain as much information from the individual as reasonably possible, including the type, placement and alleged detonation time of the device.

If the bomb threat is received on a recorded line, reasonable steps should be taken to ensure that the recording is preserved in accordance with established department evidence procedures.

The member receiving the bomb threat should ensure that the Shift OIC is immediately advised and informed of the details. This will enable the Shift OIC to ensure that the appropriate personnel are dispatched and, as appropriate, the threatened location is given an advance warning.

407.4 GOVERNMENT FACILITY OR PROPERTY

A bomb threat targeting a government facility may require a different response based on the government agency.

407.4.1 BLUE ASH POLICE DEPARTMENT FACILITY

If the bomb threat is against the Blue Ash Police Department facility, the Shift OIC will direct and assign officers as required for coordinating a general building search or evacuation of the police department, as he/she deems appropriate.

407.4.2 OTHER COUNTY OR MUNICIPAL FACILITY OR PROPERTY

If the bomb threat is against a county or municipal facility within the jurisdiction of the Blue Ash Police Department that is not the property of this department, the appropriate agency will be promptly informed of the threat. Assistance to the other entity may be provided as the Shift OIC deems appropriate.

407.4.3 FEDERAL BUILDING OR PROPERTY

If the bomb threat is against a federal building or property, the Federal Protective Service should be immediately notified. The Federal Protective Service provides a uniformed law enforcement response for most facilities, which may include use of its Explosive Detector Dog teams.

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If the bomb threat is against a federal government property where the Federal Protective Service is unable to provide a timely response, the appropriate facility's security or command staff should be notified.

Bomb threats against a military installation should be reported to the military police or other military security responsible for the installation.

407.5 PRIVATE FACILITY OR PROPERTY

When a member of this department receives notification of a bomb threat at a location in the City of Blue Ash, the member receiving the notification should obtain as much information as reasonably possible from the notifying individual, including:

- (a) The location of the facility.
- (b) The nature of the threat.
- (c) Whether the type and detonation time of the device is known.
- (d) Whether the facility is occupied and, if so, the number of occupants currently on-scene.
- (e) Whether the individual is requesting police assistance at the facility.
- (f) Whether there are any internal facility procedures regarding bomb threats in place, such as:
 - 1. No evacuation of personnel and no search for a device.
 - 2. Search for a device without evacuation of personnel.
 - 3. Evacuation of personnel without a search for a device.
 - 4. Evacuation of personnel and a search for a device.

The member receiving the bomb threat information should ensure that the Shift OIC is immediately notified so that he/she can communicate with the person in charge of the threatened facility.

407.5.1 ASSISTANCE

The Shift OIC should be notified when police assistance is requested. The Shift OIC will make the decision whether the Department will render assistance and at what level. Information and circumstances that indicate a reasonably apparent, imminent threat to the safety of either the facility or the public may require a more active approach, including police control over the facility.

Should the Shift OIC determine that the Department will assist or control such an incident, he/she will determine:

- (a) The appropriate level of assistance.
- (b) The plan for assistance.
- (c) Whether to evacuate and/or search the facility.
- (d) Whether to involve facility staff in the search or evacuation of the building.
 - 1. The person in charge of the facility should be made aware of the possibility of damage to the facility as a result of a search.

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2. The safety of all participants is the paramount concern.
- (e) The need for additional resources, including:
 1. Notification and response, or standby notice, for fire and emergency medical services.

Even though a facility does not request police assistance to clear the interior of a building, based upon the circumstances and known threat, officers may be sent to the scene to evacuate other areas that could be affected by the type of threat, or for traffic and pedestrian control.

407.6 FOUND DEVICE

When handling an incident involving a suspected explosive device, the following guidelines, while not all inclusive, should be followed:

- (a) No known or suspected explosive item should be considered safe regardless of its size or apparent packaging.
- (b) The device should not be touched or moved except by the bomb squad or military explosive ordnance disposal team.
- (c) Personnel should not transmit on any equipment that is capable of producing radio frequency energy within the evacuation area around the suspected device. This includes the following:
 1. Two-way radios
 2. Cell phones
 3. Other personal communication devices
- (d) The appropriate bomb squad or military explosive ordnance disposal team should be summoned for assistance.
- (e) The largest perimeter reasonably possible should initially be established around the device based upon available personnel and the anticipated danger zone.
- (f) A safe access route should be provided for support personnel and equipment.
- (g) Search the area for secondary devices as appropriate and based upon available resources.
- (h) Consider evacuation of buildings and personnel near the device or inside the danger zone and the safest exit route.
- (i) Promptly relay available information to the Shift OIC including:
 1. The time of discovery.
 2. The exact location of the device.
 3. A full description of the device (e.g., size, shape, markings, construction).
 4. The anticipated danger zone and perimeter.
 5. The areas to be evacuated or cleared.

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407.7 EXPLOSION/BOMBING INCIDENTS

When an explosion has occurred, there are multitudes of considerations which may confront the responding officers. As in other catastrophic events, a rapid response may help to minimize injury to victims, minimize contamination of the scene by gathering crowds, or minimize any additional damage from fires or unstable structures.

407.7.1 CONSIDERATIONS

Officers responding to explosions, whether accidental or a criminal act, should consider the following actions:

- (a) Assess the scope of the incident, including the number of victims and extent of injuries.
- (b) Request additional personnel and resources, as appropriate.
- (c) Assist with first aid.
- (d) Identify and take appropriate precautions to mitigate scene hazards, such as collapsed structures, bloodborne pathogens and hazardous materials.
- (e) Assist with the safe evacuation of victims, if possible.
- (f) Establish an inner perimeter to include entry points and evacuation routes. Search for additional or secondary devices.
- (g) Preserve evidence.
- (h) Establish an outer perimeter and evacuate if necessary.
- (i) Identify witnesses.

407.7.2 NOTIFICATIONS

When an explosion has occurred, the following people should be notified as appropriate:

- Fire department
- Bomb squad
- Additional department personnel, such as investigators and forensic services
- Field supervisor
- Shift OIC
- Other law enforcement agencies, including local, state or federal agencies, such as the FBI and the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF)
- Other government agencies, as appropriate

407.7.3 CROWD CONTROL

Only authorized members with a legitimate need should be permitted access to the scene. Spectators and other unauthorized individuals should be restricted to a safe distance as is reasonably practicable given the available resources and personnel.

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407.7.4 PRESERVATION OF EVIDENCE

As in any other crime scene, steps should immediately be taken to preserve the scene. The Shift OIC should assign officers to protect the crime scene area, which could extend over a long distance. Consideration should be given to the fact that evidence may be imbedded in nearby structures or hanging in trees and bushes.

Response To The Mentally Ill - Crisis Intervention

408.1 PURPOSE AND SCOPE

It is the purpose of this policy to provide guidelines and direction to officers when responding to situations involving persons displaying behaviors consistent with mental illness or who are in emotional crisis.

408.1.1 DEFINITIONS

Definitions related to this policy include:

Mental illness - a substantial disorder of thought, mood, perception, orientation, or memory that grossly impairs judgment, behavior, capacity to recognize reality, or ability to meet the ordinary demands of life.

Crisis - an individual's emotional, physical, mental, or behavioral response to an event or experience that results in trauma. A person may experience crisis during times of stress in response to real or perceived threats and/or loss of control and when normal coping mechanisms are ineffective. Symptoms may include emotional reactions such as fear, anger, or excessive giddiness; psychological impairments such as inability to focus, confusion, nightmares, and potentially even psychosis; physical reactions like vomiting/stomach issues, headaches, dizziness, excessive tiredness, or insomnia; and/or behavioral reactions including the trigger of a "fight or flight" response. Any individual can experience a crisis reaction regardless of previous history of mental illness.

Mentally ill person subject to hospitalization by court order -a mentally ill person who, because of the person's illness:

- a. Represents a substantial risk of physical harm to self as manifested by evidence of threats of, or attempts at, suicide or serious self-inflicted bodily harm;
- b. 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 other evidence of present dangerousness;
- c. 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 cannot be made immediately available in the community; or
- d. Would benefit from treatment in a hospital for the person's mental illness and is in need of such treatment as manifested by evidence of behavior that creates a grave and imminent risk to substantial rights of others or the person.

408.2 POLICY

Responding to situations involving individuals in enforcement and related contexts who are reasonably believed to be affected by mentally illness or in crisis carries the potential for violence, requires an officer to make difficult judgments about the mental state and intent of the individual,

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and requires special police skills, techniques and abilities to effectively and appropriately resolve the situation, while avoiding unnecessary violence and potential civil liability. The goal shall be to de-escalate the situation safely for all individuals involved when reasonable, practical, and consistent with established safety priorities. In the context of enforcement and related activities, officers shall be guided by this state's law regarding the detention of persons affected by mental illness or in crises. Officers shall use this policy to assist them in determining whether a person's behavior is indicative of mental illness or crisis and to provide guidance, techniques, and resources so that the situation may be resolved in as constructive and humane a manner as possible.

408.3 PROCEDURE

408.3.1 RECOGNIZING ABNORMAL BEHAVIOR

Only a trained mental health professional can diagnose mental illness, and even they may sometimes find it difficult to make a diagnosis. Officers are not expected to diagnose mental or emotional conditions, but rather to recognize behaviors that are indicative of persons affected by mental illness or in crisis, with special emphasis on those that suggest potential violence and/or danger. The following are generalized signs and symptoms of behavior that may suggest mental illness or crisis, although officers should not rule out other potential causes such as reactions to alcohol or psychoactive drugs of abuse, temporary emotional disturbances that are situational, or medical conditions.

- (a) Strong and unrelenting fear of persons, places, or things. Extremely inappropriate behavior for a given context.
- (b) Frustration in new or unforeseen circumstances; inappropriate or aggressive behavior in dealing with the situation.
- (c) Abnormal memory loss related to such common facts as name or home address (although these may be signs of other physical ailments such as injury or Alzheimer's disease).
- (d) Delusions, the belief in thoughts or ideas that are false, such as delusions of grandeur ("I am Christ") or paranoid delusions ("Everyone is out to get me").
- (e) Hallucinations of any of the five senses (e.g., hearing voices commanding the person to act, feeling one's skin crawl, smelling strange odors); and/or
- (f) The belief that one suffers from extraordinary physical maladies that are not possible, such as persons who are convinced that their heart has stopped beating for extended periods of time.

408.3.2 DETERMINING DANGER

Not all mentally ill persons are dangerous while some may represent danger only under certain circumstances or conditions. Officers may use several indicators to determine whether an apparently mentally ill person represents an immediate or potential danger to himself, the officer, or others. These include the following:

- (a) The availability of any weapons to the suspect.

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- (b) Statements by the person that suggest to the officer that the individual is prepared to commit a violent or dangerous act. Such comments may range from subtle innuendo to direct threats that, when taken in conjunction with other information, paint a more complete picture of the potential for violence.
- (c) A personal history that reflects prior violence under similar or related circumstances. The person's history may be known to the officer, or family, friends, or neighbors may be able to provide such information.
- (d) Failure to act prior to arrival of the officer does not guarantee that there is no danger, but it does in itself tend to diminish the potential for danger.
- (e) The amount of control that the person demonstrates is significant, particularly the amount of physical control over emotions of rage, anger, fright, or agitation. Signs of a lack of control include extreme agitation, inability to sit still or communicate effectively, wide eyes, and rambling thoughts and speech. Clutching one's self or other objects to maintain control, begging to be left alone, or offering frantic assurances that one is all right may also suggest that the individual is close to losing control.
- (f) The volatility of the environment is a particularly relevant factor that officers must evaluate. Agitators that may affect the person or a particularly combustible environment that may incite violence should be taken into account.

408.3.3 DEALING WITH THE MENTALLY ILL

Officers should never place themselves in extra danger when dealing with the mentally ill or with persons in emotional crisis. In rare cases officers may find no other means than to use physical force to contain the affected individual, and should use all reasonable means necessary to use the least amount of force necessary to contain them. Should the officer determine that an individual may be mentally ill and a potential threat to himself, the officer, or others, or may otherwise require law enforcement intervention for humanitarian reasons as prescribed by statute, the following responses may be taken:

- (a) Request a backup officer, and always do so in cases where the individual will be taken into custody.
- (b) Take steps to calm the situation. Where possible, eliminate emergency lights and sirens, disperse crowds, and assume a quiet non-threatening manner when approaching or conversing with the individual. Where violence or destructive acts have not occurred, avoid physical contact, and take time to assess the situation.
- (c) Move slowly and do not excite the disturbed person. Provide reassurance that the police are there to help and that he will be provided with appropriate care.
- (d) Communicate with the individual in an attempt to determine what is bothering him. Relate your concern for his feelings and allow him to ventilate his feelings. Where possible, gather information on the subject from acquaintances or family members and/or request professional assistance if available and appropriate to assist in communicating with and calming the person.
- (e) Do not threaten the individual with arrest or in any other manner as this will create additional fright, stress, and potential aggression.

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- (f) Avoid topics that may agitate the person and guide the conversation toward subjects that help bring the individual back to reality.
- (g) Always attempt to be truthful with a mentally ill individual. If the subject becomes aware of a deception, he may withdraw from the contact in distrust and may become hypersensitive or retaliate in anger.

408.3.4 AGITATED CHAOTIC EVENT

In cases of extreme agitation, officers should follow training protocol specific to this phenomenon, including:

- (a) Gathering as much information prior to arrival to better assess options at the scene.
- (b) Calling for additional officers to assist prior to going hands-on with the individual.
- (c) Calling for life squad to stand by for immediate medical treatment upon containment of the individual.
- (d) When they are able to, as officers move in to contain the individual they should employ techniques to minimize or restrict the arms, legs and head of the individual to more efficiently employ restraints.
- (e) Officers should consider whether using a Taser is appropriate to use in these cases and should always be prepared for the potential of sudden cardiac arrest after using the Taser or any other containment methods. Officers shall call for medical attention for the individual and the individual shall be transported to the hospital for treatment.
- (f) Officers should recognize that individuals affected by this phenomenon may exhibit super-human strength and lack of pain compliance and may not respond to normal force options and pain compliance techniques. Officer may have to consider removing themselves from a confrontation to avoid exhaustion and potential further harm to themselves.
- (g) Officers should always document the encounter and describe in detail the particular actions, physical demeanor, and any signs commonly associated with Agitated Chaotic Events. These are especially important in cases where the individual does not recover or experiences further complications as a result of this phenomenon.
- (h) Officers will receive periodic training on response to Agitated Chaotic Events.

408.3.5 CRISIS INTERVENTION TEAM

The Blue Ash Police Department will have specially trained and certified Crisis Intervention Team (CIT) officers and dispatchers who have volunteered to participate in specific mental health and crisis response technique training. These certified employees will have attended an approved CIT certification through Mental Health America or other approved course. CIT employees receive specialized training under the instructional supervision of mental health providers, family advocates, and mental health consumer groups.

- (a) Crisis Intervention Team (CIT) officers are called upon to respond to crisis calls that present officers face-to-face with complex issues relating to mental illness.

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1. CIT officers and dispatchers are trained in developing more intelligent, understandable, and safe approaches to mental illness and crisis events.
2. Through proper CIT training, CIT certified officers and dispatchers can, with confidence, offer a more humane and calm approach.
3. CIT officers and dispatchers reduce the likelihood of physical confrontations and enhance better patient care.

408.3.6 TAKING CUSTODY OR MAKING REFERRALS

Based on the overall circumstances and the officer's judgment of the nature of the call, the officer may provide the individual and family members with referrals on available community mental health resources, or may take custody of the individual in order to seek an involuntary emergency evaluation.

- (a) Make mental health referrals when, in the best judgment of the officer, the circumstances do not indicate that the individual must be taken into custody for his own protection or the protection of others or for other reasons as specified by state law.
- (b) When circumstances dictate that the affected individual needs medical attention or mental health care, warrants being taken into custody, or who meets other legal requirements for involuntary admission for mental examination, the officer will take measures to do so safely by calling for a supervisor and/or backup officers until the individual is properly contained. , Summon an immediate supervisor or the officer-in-charge prior to taking into custody a potentially dangerous individual who may be mentally ill or an individual who meets other legal requirements for involuntary admission for mental examination.
- (c) When possible, summon crisis intervention specialists to assist in the custody and admission procedures.
- (d) Report the incident whether or not the individual is taken into custody. Ensure that the report is as explicit as possible concerning the circumstances of the incident and the type of behavior that was observed. Terms such as "out of control" or "psychologically disturbed" should be replaced with descriptions of the specific behaviors involved. The reasons why the subject was taken into custody or referred to other agencies should be reported in detail.

408.3.7 AVAILABLE RESOURCES

Depending upon the situation, officers have available the following resources:

- (a) A Blue Ash Police Officer that is certified as a Crisis Intervention Team (CIT) employee.
 1. CIT officers officers should respond, when on-duty and available, to assist dispatched units with any incident involving a mentally ill individual or individual in crisis. or developmentally disabled person. CIT officers can be used as a resource for the primary officer or supervisor and can assess and make recommendations to the primary officer or supervisor for alternatives for dealing with a person affected. in crisis.

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2. If no CIT officers are available, a CIT trained dispatcher might be able to assist if the primary officer or supervisor has questions.
 3. Follow-up referrals can be made to a CIT trained officer for connection to any other agency in the Hamilton County Mental Health Community.
 4. A list of Blue Ash Officers that are CIT trained should be kept for easy access by BAPD personnel so they can be referenced for information if needed.
- (b) University Hospital
1. Mobile Crisis and on-site Psychiatric Emergency Services (PES).
 2. (513) 584-8577.
- (c) Mental Health Access Point (MHAP)
1. Centralized mental health system access point connecting customers with the appropriate service providers.
 2. (513) 558-8888
- (d) Recovery Health Access Center (RHAC)
1. Centralized 24-hour service center providing a full continuum of substance abuse services including information and referrals supporting individuals and families throughout the treatment process.
 2. (513) 281-7422
- (e) Mental Health Hotline/Response Team
1. 24-hour telephone support services, specializing in suicide prevention, crisis situations, and family violence.
 2. (513) 281-CARE (2273)
- (f) Drug & Poison Information Center (DPIC)
1. 24-hour hotline providing crisis intervention, education, and information.
 2. (513) 636-5111
- (g) Cincinnati Children's Hospital Psychiatric Intake Response Center (PIRC)
1. 24-hour number for crisis intervention and information.
 2. (513) 636-4124

Civil Commitments

409.1 PURPOSE AND SCOPE

This policy provides guidelines for when officers may place an individual under protective custody for civil commitment (ORC § 5122.10).

409.2 POLICY

It is the policy of the Blue Ash Police Department to protect the public and individuals through legal and appropriate use of the civil commitment process.

409.3 AUTHORITY

If an officer has reason to believe that a person is a person with a mental illness and subject to a court order because the person presents a substantial risk of physical harm to themselves or others, the officer may take, or cause the person to be taken, into custody and immediately transport the person to an appropriate hospital for evaluation (ORC § 5122.10).

409.3.1 VOLUNTARY EVALUATION

If an officer encounters an individual who may qualify for a civil commitment, he/she may inquire as to whether the person desires to voluntarily be evaluated at an appropriate facility. If the individual so desires, the officers should:

- (a) Transport the individual to an appropriate facility that is able to conduct the evaluation and admit the person pursuant to a civil commitment.
- (b) If at any point the individual changes his/her mind regarding voluntary evaluation, officers should proceed with the civil commitment, if appropriate.
- (c) Document the circumstances surrounding the individual's desire to pursue voluntary evaluation and/or admission.

409.4 CONSIDERATIONS AND RESPONSIBILITIES

Any officer handling a call involving an individual who may qualify for a civil commitment should consider, as time and circumstances reasonably permit:

- (a) Available information that might assist in determining the cause and nature of the individual's action or stated intentions.
- (b) Community or neighborhood mediation services.
- (c) Conflict resolution and de-escalation techniques.
- (d) Available community or other resources available to assist in dealing with mental health issues.

While these steps are encouraged, nothing in this section is intended to dissuade officers from taking reasonable action to ensure the safety of the officers and others.

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Civil commitments should be preferred over arrest for individuals with mental health issues, who are suspected of committing minor crimes or creating other public safety issues.

409.5 TRANSPORTATION

When transporting any individual for a civil commitment, the transporting officer should have Dispatch notify the receiving facility of the estimated time of arrival, the level of cooperation of the individual and whether any special medical care is needed.

Officers may transport individuals in a patrol vehicle and shall secure them in accordance with the Handcuffing and Restraints Policy. Should the detainee require transport in a medical transport vehicle and the safety of any person, including the detainee, requires the presence of an officer during the transport, Shift OIC approval is required before transport commences.

409.5.1 MANNER OF TRANSPORTATION

Officers should make an effort to take individuals into custody in the least conspicuous manner possible. The officer shall inform the individual (ORC § 5122.10):

- (a) Of the officer's name, rank/title and agency.
- (b) That the person is not being arrested.
- (c) That the person is being taken for examination by mental health professionals at a mental health facility identified by name.

Officers may transport individuals in a patrol vehicle and shall secure them in accordance with the Handcuffing and Restraints Policy.

409.6 TRANSFER TO APPROPRIATE FACILITY

Upon arrival at the facility, the officer will escort the individual into a treatment area designated by a facility staff member. If the individual is not seeking voluntary treatment, the officer should provide the staff member with the written application for a civil commitment and remain present to provide clarification of the grounds for detention, upon request.

Absent exigent circumstances, the transporting officer should not assist facility staff with the admission process, including restraint of the individual. However, if the individual is transported and delivered while restrained, the officer may assist with transferring the individual to facility restraints and will be available to assist during the admission process, if requested. Under normal circumstances, officers will not apply facility-ordered restraints.

409.7 DOCUMENTATION

The officer should complete an application for emergency admission, provide it to the facility staff member assigned to the individual and retain a copy of the application for emergency admission for inclusion in the case report.

The officer should also provide a verbal summary to any evaluating staff member regarding the circumstances leading to the involuntary detention.

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409.7.1 REQUIRED DOCUMENTATION

The application for emergency admission should include the circumstances under which the person's condition was called to the attention of the officer, the circumstances under which the person was taken into custody and a description of probable cause to believe that the person, because of mental illness, chemical dependency or intoxication, is likely to harm him/herself or others if allowed his/her liberty. This statement shall be made available to the person or the person's attorney upon the request of either (ORC § 5122.10).

409.8 CRIMINAL OFFENSES

Officers investigating an individual who is suspected of committing a minor criminal offense and who is being taken for a civil commitment should resolve the criminal matter by issuing a citation, as appropriate.

When an individual who may qualify for a civil commitment has committed a serious criminal offense that would normally result in an arrest and transfer to a jail facility, the officer should:

- (a) Arrest the individual when there is probable cause to do so.
- (b) Notify the appropriate supervisor of the facts supporting the arrest and the facts that would support the civil commitment.
- (c) Facilitate the individual's transfer to the jail facility.
- (d) Thoroughly document in the related reports the circumstances that indicate the individual may qualify for a civil commitment.

In the supervisor's judgment, the individual may instead be arrested or booked and transported to the appropriate mental health facility. The supervisor should consider the seriousness of the offense, the treatment options available, the ability of this department to regain custody of the individual, department resources (e.g., posting a guard) and other relevant factors in making this decision.

409.9 FIREARMS AND OTHER WEAPONS

Whenever an individual is taken into custody for a civil commitment, the handling officers should seek to determine if the individual owns or has access to any firearm or other deadly weapon. Officers should consider whether it is appropriate and consistent with current search and seizure law under the circumstances to seize any such firearms or other dangerous weapons (e.g. safekeeping, evidence, consent).

Officers are cautioned that a search warrant may be needed before entering a residence or other place to search, unless lawful, warrantless entry has already been made (e.g., exigent circumstances, consent). A warrant may also be needed before searching for or seizing weapons.

The handling officers should further advise the individual of the procedure for the return of any firearm or other weapon that has been taken into custody.

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409.9.1 RETURN OF FIREARM

The officer taking custody of any firearm or other deadly weapon should issue the individual possessing such weapon a receipt that fully describes the weapon (including any serial number) and indicates the location where the weapon may be recovered, along with any applicable time limit for recovery (ORC § 2923.163).

409.10 TRAINING

This department will endeavor to provide department-approved training on interaction with mentally disabled persons, civil commitments and crisis intervention.

Citation Releases

410.1 PURPOSE AND SCOPE

The purpose of this policy is to provide members of the Blue Ash Police Department with guidance on when to release adults who are suspected offenders on a citation for a criminal offense, rather than having the person held in custody for a court appearance or released on bail.

Additional release restrictions may apply to those detained for domestic violence, as outlined in the Domestic Violence Policy.

410.2 POLICY

The Blue Ash Police Department will consider its resources and protecting the community when exercising any discretion to release suspected offenders on a citation when authorized to do so.

410.3 RELEASE

A suspected offender may be released on issuance of a citation as follows:

- (a) In cases of minor misdemeanors, officers shall not arrest the offender but shall issue a citation for all offenses in which the potential penalty does not exceed \$150 (ORC § 2935.26; Ohio R. Crim. P. 4.1(B)).
- (b) In all other misdemeanors, unless otherwise prohibited by law, officers having probable cause to arrest a person may, in lieu of making the arrest, issue the person a summons to appear if the officer reasonably believes that the summons will ensure the person's appearance. The officer shall also file a complaint describing the alleged offense (Ohio R. Crim. P. 4(3)).

410.4 PROHIBITIONS

The release of a suspected offender on a citation is not required when:

- (a) The offense is a minor misdemeanor (ORC § 2935.26(A)) and one of the following applies:
 - 1. The offender requires medical care or is unable to provide for his/her own safety.
 - 2. The offender cannot or will not offer satisfactory evidence of his/her identity.
 - 3. The offender refuses to sign the citation.
 - 4. The offender has previously been issued a citation for the commission of that misdemeanor and has failed to either:
 - (a) Appear at the time and place stated in the citation.
 - (b) Within seven days after receiving the citation, sign a plea of guilty and pay the total fine and costs by appearing in person or mailing the citation to the court.

See the Domestic Violence Policy for release restrictions related to those investigations.

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410.5 CONSIDERATIONS

In determining whether to cite and release a person when discretion is permitted, officers should consider:

- (a) The type of offense committed.
- (b) The known criminal history of the alleged offender.
- (c) The ability to identify the offender with reasonable certainty.
- (d) Whether there is any record of the individual failing to appear in previous cases or other articulable indications that the individual may not appear in court for this offense.
- (e) The individual's ties to the area, such as residence, employment or family.
- (f) Whether there is a reasonable likelihood that criminal conduct by the individual will continue.

Foreign Diplomatic and Consular Representatives

411.1 PURPOSE AND SCOPE

This policy provides guidelines to ensure that members of the Blue Ash Police Department extend appropriate privileges and immunities to foreign diplomatic and consular representatives in accordance with international law.

411.2 POLICY

The Blue Ash Police Department respects international laws related to the special privileges and immunities afforded foreign diplomatic and consular representatives assigned to the United States.

All foreign diplomatic and consular representatives shall be treated with respect and courtesy, regardless of any privileges or immunities afforded them.

411.3 CLAIMS OF IMMUNITY

If a member comes into contact with a person where law enforcement action may be warranted and the person claims diplomatic or consular privileges and immunities, the member should, without delay:

- (a) Notify a supervisor.
- (b) Advise the person that his/her claim will be investigated and he/she may be released in accordance with the law upon confirmation of the person's status.
- (c) Request the person's identification card, either issued by the U.S. Department of State (DOS), Office of the Chief of Protocol, or in the case of persons accredited to the United Nations, by the U.S. Mission to the United Nations. These are the only reliable documents for purposes of determining privileges and immunities.
- (d) Contact the DOS Diplomatic Security Command Center at 571-345-3146 or toll free at 866-217-2089, or at another current telephone number and inform the center of the circumstances.
- (e) Verify the immunity status with DOS and follow any instructions regarding further detention, arrest, prosecution and/or release, as indicated by the DOS representative. This may require immediate release, even if a crime has been committed.

Identity or immunity status should not be presumed from the type of license plates displayed on a vehicle. If there is a question as to the status or the legitimate possession of a Diplomat or Consul license plate, a query should be run via the National Law Enforcement Telecommunications System (NLETS), designating "US" as the state.

411.4 ENFORCEMENT ACTION

If the DOS is not immediately available for consultation regarding law enforcement action, members shall be aware of the following:

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- (a) Generally, all persons with diplomatic and consular privileges and immunities may be issued a citation or notice to appear. However, the person may not be compelled to sign the citation.
- (b) All persons, even those with a valid privilege or immunity, may be reasonably restrained in exigent circumstances for purposes of self-defense, public safety or the prevention of serious criminal acts.
- (c) An impaired foreign diplomatic or consular representative may be prevented from driving a vehicle, even if the person may not be arrested due to privileges and immunities.
 - 1. Investigations, including the request for field sobriety tests, chemical tests and any other tests regarding impaired driving may proceed but they shall not be compelled.
- (d) The following persons may not be detained or arrested, and any property or vehicle owned by these persons may not be searched or seized:
 - 1. Diplomatic-level staff of missions to international organizations and recognized family members
 - 2. Diplomatic agents and recognized family members
 - 3. Members of administrative and technical staff of a diplomatic mission and recognized family members
 - 4. Career consular officers, unless the person is the subject of a felony warrant
- (e) The following persons may generally be detained and arrested:
 - 1. International organization staff; however, some senior officers are entitled to the same treatment as diplomatic agents.
 - 2. Support staff of missions to international organizations
 - 3. Diplomatic service staff and consular employees; however, special bilateral agreements may exclude employees of certain foreign countries.
 - 4. Honorary consular officers

411.5 DOCUMENTATION

All contacts with persons who have claimed privileges and immunities afforded foreign diplomatic and consular representatives should be thoroughly documented and the related reports forwarded to DOS.

411.6 DIPLOMATIC IMMUNITY TABLE

Reference table on diplomatic immunity:

Category	Arrested or Detained	Enter Residence Subject to Ordinary Procedures	Issued Traffic Citation	Subpoenaed as Witness	Prosecuted	Recognized Family Members

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Diplomatic Agent	No (note (b))	No	Yes	No	No	Same as sponsor (full immunity & inviolability)
Member of Admin and Tech Staff	No (note (b))	No	Yes	No	No	Same as sponsor (full immunity & inviolability)
Service Staff	Yes (note (a))	Yes	Yes	Yes	No for official acts Yes otherwise (note (a))	No immunity or inviolability (note (a))
Career Consul Officer	Yes if for a felony and pursuant to a warrant (note (a))	Yes (note (d))	Yes	No for official acts Testimony may not be compelled in any case	No for official acts Yes otherwise (note (a))	No immunity or inviolability
Honorable Consul Officer	Yes	Yes	Yes	No for official acts Yes otherwise	No for official acts Yes otherwise	No immunity or inviolability
Consulate Employees	Yes (note (a))	Yes	Yes	No for official acts Yes otherwise	No for official acts Yes otherwise (note (a))	No immunity or inviolability (note (a))
Int'l Org Staff (note (b))	Yes (note (c))	Yes (note (c))	Yes	Yes (note (c))	No for official acts Yes otherwise (note (c))	No immunity or inviolability
Diplomatic-Level Staff of Missions to Int'l Org	No (note (b))	No	Yes	No	No	Same as sponsor (full immunity & inviolability)
Support Staff of Missions to Int'l Orgs	Yes	Yes	Yes	Yes	No for official acts Yes otherwise	No immunity or inviolability

Notes for diplomatic immunity table:

- (a) This table presents general rules. The employees of certain foreign countries may enjoy higher levels of privileges and immunities on the basis of special bilateral agreements.
- (b) Reasonable constraints, however, may be applied in emergency circumstances involving self-defense, public safety, or in the prevention of serious criminal acts.

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- (c) A small number of senior officers are entitled to be treated identically to diplomatic agents.
- (d) Note that consul residences are sometimes located within the official consular premises. In such cases, only the official office space is protected from police entry.

Rapid Response and Deployment

412.1 PURPOSE AND SCOPE

Violence that is committed in schools, workplaces and other locations by individuals or a group of individuals who are determined to target and kill persons and to create mass casualties presents a difficult situation for law enforcement. The purpose of this policy is to identify guidelines and factors that will assist officers in situations that call for rapid response and deployment.

412.2 POLICY

The Blue Ash Police Department will endeavor to plan for rapid response to crisis situations, and to coordinate response planning with other emergency services as well as with those that are responsible for operating sites that may be the target of a critical incident.

Nothing in this policy shall preclude the use of reasonable force, deadly or otherwise, by members of the Department in protecting themselves or others from death or serious injury.

412.3 FIRST RESPONSE

If there is a reasonable belief that acts or threats by a suspect are placing lives in imminent danger, first responding officers should consider reasonable options to reduce, prevent or eliminate the threat. Officers must decide, often under a multitude of difficult and rapidly evolving circumstances, whether to advance on the suspect, take other actions to deal with the threat or wait for additional resources.

If a suspect is actively engaged in the infliction of serious bodily harm or other life-threatening activity toward others, officers should take immediate action, if reasonably possible, while requesting additional assistance.

Officers should remain aware of the possibility that an incident may be part of a coordinated multi-location attack that may require some capacity to respond to other incidents at other locations.

When deciding on a course of action officers should consider:

- (a) Whether to advance on or engage a suspect who is still a possible or perceived threat to others. Any advance or engagement should be based on information known or received at the time.
- (b) Whether to wait for additional resources or personnel. This does not preclude an individual officer from taking immediate action.
- (c) Whether individuals who are under imminent threat can be moved or evacuated with reasonable safety.
- (d) Whether the suspect can be contained or denied access to victims.
- (e) Whether the officers have the ability to effectively communicate with other personnel or resources.
- (f) Whether planned tactics can be effectively deployed.

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- (g) The availability of rifles, shotguns, shields, breaching tools, control devices and any other appropriate tools, and whether the deployment of these tools will provide a tactical advantage.

In a case of a barricaded suspect with no hostages and no immediate threat to others, officers should consider summoning and waiting for additional assistance (special tactics and/or hostage negotiation team response).

412.4 CONSIDERATIONS

When dealing with a crisis situation members should:

- (a) Assess the immediate situation and take reasonable steps to maintain operative control of the incident.
- (b) Obtain, explore and analyze sources of intelligence and known information regarding the circumstances, location and suspect involved in the incident.
- (c) Attempt to attain a tactical advantage over the suspect by reducing, preventing or eliminating any known or perceived threat.
- (d) Attempt, if feasible and based upon the suspect's actions and danger to others, a negotiated surrender of the suspect and release of the hostages.

412.5 PLANNING

The Operations Bureau Commander should coordinate critical incident planning. Planning efforts should consider:

- (a) Identification of likely critical incident target sites, such as schools, shopping centers, entertainment and sporting event venues.
- (b) Availability of building plans and venue schematics of likely critical incident target sites.
- (c) Communications interoperability with other law enforcement and emergency service agencies.
- (d) Training opportunities in critical incident target sites, including joint training with site occupants.
- (e) Evacuation routes in critical incident target sites.
- (f) Patrol first-response training.
- (g) Response coordination and resources of emergency medical and fire services.
- (h) Equipment needs.
- (i) Mutual aid agreements with other agencies.
- (j) Coordination with private security providers in critical incident target sites.

412.5.1 SCHOOL SAFETY DRILLS

The Operations Bureau Commander or the authorized designee should cooperate with local school officials required to conduct school safety drills in conjunction with the Blue Ash Police

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Department pursuant to ORC § 3737.73. The Department should consider information obtained during the drills when pre-planning department emergency responses to schools.

412.6 TRAINING

The Administrative Lieutenant should include rapid response to critical incidents in the training plan. This training should address:

- (a) Orientation to likely critical incident target sites, such as schools, shopping centers, entertainment and sporting event venues.
- (b) Communications interoperability with other law enforcement and emergency service agencies.
- (c) Patrol first-response training, including patrol rifle, shotgun, breaching tool and control device training.
- (d) First aid, including gunshot trauma.
- (e) Reality-based scenario training (e.g., active shooter, disgruntled violent worker).

Immigration Violations

414.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines to members of the Blue Ash Police Department relating to immigration and interacting with federal immigration officials.

414.2 POLICY

It is the policy of the Blue Ash Police Department that all members make personal and professional commitments to equal enforcement of the law and equal service to the public. Confidence in this commitment will increase the effectiveness of this department in protecting and serving the entire community and recognizing the dignity of all persons, regardless of their national origin or immigration status.

414.3 VICTIMS AND WITNESSES

To encourage crime reporting and cooperation in the investigation of criminal activity, all individuals, regardless of their immigration status, must feel secure that contacting or being addressed by members of law enforcement will not automatically lead to immigration inquiry and/or deportation. While it may be necessary to determine the identity of a victim or witness, members shall treat all individuals equally and not in any way that would violate the United States or Ohio constitutions.

414.4 DETENTIONS

An officer should not detain any individual, for any length of time, for a civil violation of federal immigration laws or a related civil warrant.

An officer who has a reasonable suspicion that an individual already lawfully contacted or detained has committed a criminal violation of federal immigration law may detain the person for a reasonable period of time in order to contact federal immigration officials to verify whether an immigration violation is a federal civil violation or a criminal violation. If the violation is a criminal violation, the officer may continue to detain the person for a reasonable period of time if requested by federal immigration officials (8 USC § 1357(g)(10)). No individual who is otherwise ready to be released should continue to be detained only because questions about the individual's status are unresolved.

If the officer has facts that establish probable cause to believe that a person already lawfully detained has committed a criminal immigration offense, he/she may continue the detention and may request a federal immigration official to respond to the location to take custody of the detained person (8 USC § 1357(g)(10)).

An officer is encouraged to forgo detentions made solely on the basis of a misdemeanor offense when time limitations, availability of personnel, issues of officer safety, communication capabilities, or the potential to obstruct a separate investigation outweigh the need for the detention.

An officer should notify a supervisor as soon as practicable whenever an individual is being detained for a criminal immigration violation.

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414.4.1 SUPERVISOR RESPONSIBILITIES

When notified that an officer has detained an individual and established reasonable suspicion or probable cause to believe the person has violated a criminal immigration offense, the supervisor should determine whether it is appropriate to:

- (a) Transfer the person to federal authorities.
- (b) Lawfully arrest the person for a criminal offense or pursuant to a judicial warrant (see the Law Enforcement Authority Policy).

414.5 ARREST NOTIFICATION TO IMMIGRATION AND CUSTOMS ENFORCEMENT

Generally, an officer should not notify federal immigration officials when booking arrestees at a jail facility. Any required notification will be handled according to jail operation procedures. No individual who is otherwise ready to be released should continue to be detained solely for the purpose of notification.

414.6 FEDERAL REQUESTS FOR ASSISTANCE

Requests by federal immigration officials for assistance from this department should be directed to a supervisor. The Department may provide available support services, such as traffic control or peacekeeping efforts.

414.7 INFORMATION SHARING

No member of this department will prohibit, or in any way restrict, any other member from doing any of the following regarding the citizenship or immigration status, lawful or unlawful, of any individual (8 USC § 1373):

- (a) Sending information to, or requesting or receiving such information from federal immigration officials
- (b) Maintaining such information in department records
- (c) Exchanging such information with any other federal, state, or local government entity

414.7.1 IMMIGRATION DETAINERS

No individual should be held based solely on a federal immigration detainer under 8 CFR 287.7 unless the person has been charged with a federal crime or the detainer is accompanied by a warrant, affidavit of probable cause, or removal order. Notification to the federal authority issuing the detainer should be made prior to the release.

414.8 U VISA AND T VISA NONIMMIGRANT STATUS

Under certain circumstances, federal law allows temporary immigration benefits, known as a U visa, to victims and witnesses of certain qualifying crimes (8 USC § 1101(a)(15)(U)).

Similar immigration protection, known as a T visa, is available for certain qualifying victims of human trafficking (8 USC § 1101(a)(15)(T)).

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Any request for assistance in applying for U visa or T visa status should be forwarded in a timely manner to the Detective Section supervisor assigned to oversee the handling of any related case. The Detective Section supervisor should:

- (a) Consult with the assigned investigator to determine the current status of any related case and whether further documentation is warranted.
- (b) Contact the appropriate prosecutor assigned to the case, if applicable, to ensure the certification or declaration has not already been completed and whether a certification or declaration is warranted.
- (c) Address the request and complete the certification or declaration, if appropriate, in a timely manner.
 - 1. The instructions for completing certification and declaration forms can be found on the U.S. Department of Homeland Security (DHS) website.
- (d) Ensure that any decision to complete, or not complete, a certification or declaration form is documented in the case file and forwarded to the appropriate prosecutor. Include a copy of any completed form in the case file.

Emergency Utility Service

415.1 PURPOSE AND SCOPE

The City Public Works Department has personnel available to handle emergency calls 24 hours per day, seven days a week. Calls for service during non-business hours are frequently directed to the Police Department. Requests for such service received by this department should be handled in the following manner.

415.1.1 BROKEN WATER LINES

Cincinnati Water Works responsibility ends at the water meter. Any break or malfunction in the water system from the water meter to the citizen's residence or business is the customer's responsibility. Water Works can only turn off the valve at the meter. The citizen can normally accomplish this.

If a break occurs on the Water Works' side of the meter, emergency personnel should be called as soon as practicable by Dispatch.

415.1.2 ELECTRICAL LINES

City Public Works does not maintain electrical lines to street light poles. When a power line poses a hazard, an officer should be dispatched to protect against personal injury or property damage that might be caused by power lines. The electric company or Fire Department should be promptly notified, as appropriate.

415.1.3 RESERVOIRS, PUMPS AND WELLS

Water Works maintains the reservoirs and public water equipment, as well as several underpass and other street drainage pumps. In the event of flooding or equipment malfunctions, emergency personnel should be contacted as soon as possible.

415.1.4 EMERGENCY NUMBERS

A current list of emergency personnel who are to be called for municipal utility emergencies will be maintained by Dispatch.

415.2 TRAFFIC SIGNAL MAINTENANCE

The City of Blue Ash contracts with a private company to furnish maintenance for all traffic signals within the City, other than those maintained by the Ohio Department of Transportation (ODOT).

415.2.1 OFFICER'S RESPONSIBILITIES

Upon observing a damaged or malfunctioning signal, the officer will advise Dispatch of the location and problem with the signal. The dispatcher should make the necessary notification to the proper maintenance agency.

Patrol Rifles

416.1 PURPOSE AND SCOPE

To more effectively and accurately address the increasing level of firepower and body armor utilized by criminal suspects, the Blue Ash Police Department will make patrol rifles available to qualified officers as an additional and more immediate tactical resource.

416.2 PATROL RIFLE

416.2.1 DEFINITIONS

Definitions related to this policy include:

Patrol Rifle - An authorized weapon owned by the Department which is made available to properly trained and qualified officers as a supplemental resource to their duty handgun or shotgun. No personally owned rifles may be carried for patrol duty unless pre-approved in writing by the Chief of Police and the Department Firearms Training Unit OIC.

416.3 SPECIFICATIONS

Only weapons and ammunition that meet agency authorized specifications, approved by the Chief of Police and issued by the Department, may be used by officers in their law enforcement responsibilities.

416.4 RIFLE MAINTENANCE

- (a) Primary responsibility for maintenance of patrol rifles shall fall on the Firearms Training Unit, which shall insure that each patrol rifle is inspected and serviced periodically.
- (b) Each patrol officer carrying a patrol rifle may be required to field strip and clean an assigned patrol rifle as needed.
- (c) Each patrol officer shall be responsible for promptly reporting any damage or malfunction of an assigned patrol rifle to a supervisor or the Firearms Training Unit.
- (d) Any patrol rifle found to be unserviceable shall also be clearly identified as non-serviceable, including details regarding the unserviceable condition.
- (e) Each patrol rifle shall be subject to inspection by a supervisor or the Firearms Training Unit at any time.
- (f) No modification shall be made to any patrol rifle without prior authorization from the Firearms Training Unit.

416.5 TRAINING

Officers shall not carry or utilize the patrol rifle unless they have successfully completed Department training. This training shall consist of an initial patrol rifle user's course and qualification score with a certified patrol rifle instructor. Officers shall thereafter be required to

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successfully complete periodic training and yearly firearms proficiency qualification conducted by a certified patrol rifle instructor (ORC § 109.801 and OAC § 109:2-13-02(D)).

Any officer who fails to qualify or who fails to successfully complete two or more Department-sanctioned training/qualification sessions within a calendar year will no longer be authorized to carry the patrol rifle without successfully retaking the initial patrol officers user's course and qualification.

416.6 DEPLOYMENT OF THE PATROL RIFLE

Officers may deploy the patrol rifle in any circumstance where the officer can articulate a reasonable expectation that the rifle may be needed. Examples of some general guidelines for deploying the patrol rifle may include, but are not limited to:

- (a) Situations where the officer reasonably anticipates an armed encounter.
- (b) When an officer is faced with a situation that may require the delivery of accurate and effective fire at long range.
- (c) Situations where an officer reasonably expects the need to meet or exceed a suspect's firepower.
- (d) When an officer reasonably believes that there may be a need to deliver fire on a barricaded person or a person with a hostage.
- (e) When an officer reasonably believes that a suspect may be wearing body armor.
- (f) When authorized or requested by a supervisor.
- (g) When appropriate to aid in the dispatch of an animal.

416.7 DISCHARGE OF THE PATROL RIFLE

The discharge of the patrol rifle shall be governed by the Use of Force Policy and the Firearms Discharge Policy.

416.8 PATROL READY

Any qualified officer carrying a patrol rifle in the field shall maintain the weapon in a patrol ready condition until deployed. A rifle is considered in a patrol ready condition when it has been inspected by the assigned officer, the fire selector switch is in the safe position, the chamber is empty and a fully loaded magazine is inserted into the magazine well.

416.9 RIFLE STORAGE

- (a) Patrol rifles will be stored in the Department armory in rifle racks, when the it's assigned cruiser is out of service.
- (b) In-service patrol rifles should be secured in the vehicle gun lock or case.
- (c) The Firearms Training Unit OIC may assign an officer a rifle, which is secured by the officer in a manner approved by the FTU OIC and not in the armory.

Aircraft Accidents

417.1 PURPOSE AND SCOPE

The purpose of this policy is to provide department members with guidelines for handling aircraft accidents.

This policy does not supersede, and is supplementary to, applicable portions of the Crime and Disaster Scene Integrity, Emergency Management Plan and Hazardous Material Response policies.

417.1.1 DEFINITIONS

Definitions related to this policy include:

Aircraft - Any fixed wing aircraft, rotorcraft, balloon, blimp/dirigible or glider that is capable of carrying a person or any unmanned aerial vehicle other than those intended for non-commercial recreational use.

417.2 POLICY

It is the policy of the Blue Ash Police Department to provide an appropriate emergency response to aircraft accidents. This includes emergency medical care and scene management.

417.2.1 PUBLIC INFORMATION OFFICER RESPONSIBILITIES

The Police Department Public Information Officer is responsible for the following:

- (a) Obtaining information for a press release from the on-scene commander or designee.
- (b) When practicable, the Department Public Information Officer should coordinate with the FAA Press Information Officer on preparing a press release and distributing it to the media.

Information released to the press regarding any aircraft crash should be handled by the Department Public Information Officer or in accordance with existing policy.

417.3 ARRIVAL AT SCENE

Officers or other authorized members tasked with initial scene management should establish an inner and outer perimeter to:

- (a) Protect persons and property.
- (b) Prevent any disturbance or further damage to the wreckage or debris, except to preserve life or rescue the injured.
- (c) Preserve ground scars and marks made by the aircraft.
- (d) Manage the admission and access of public safety and medical personnel to the extent necessary to preserve life or to stabilize hazardous materials.
- (e) Maintain a record of persons who enter the accident site.
- (f) Consider implementation of an Incident Command System (ICS).

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417.4 INJURIES AND CASUALTIES

Members should address emergency medical issues and provide care as a first priority.

Those tasked with the supervision of the scene should coordinate with the National Transportation Safety Board (NTSB) before the removal of bodies. If that is not possible, the scene supervisor should ensure documentation of what was disturbed, including switch/control positions and instrument/gauge readings.

417.5 NOTIFICATIONS

When an aircraft accident is reported to this department, the responding supervisor shall ensure notification is or has been made to NTSB, the Federal Aviation Administration (FAA), and when applicable, the appropriate branch of the military.

Supervisors shall ensure other notifications are made once an aircraft accident has been reported. The notifications will vary depending on the type of accident, extent of injuries or damage, and the type of aircraft involved. When an aircraft accident has occurred, it is generally necessary to notify the following:

- (a) Fire department
- (b) Appropriate airport tower
- (c) Emergency medical services (EMS)

417.6 CONTROLLING ACCESS AND SCENE AUTHORITY

Prior to NTSB arrival, scene access should be limited to authorized personnel from the:

- (a) FAA.
- (b) Fire department, EMS or other assisting law enforcement agencies.
- (c) Coroner.
- (d) Air Carrier/Operators investigative teams with NTSB approval.
- (e) Appropriate branch of the military, when applicable.
- (f) Other emergency services agencies (e.g., hazardous materials teams, biohazard decontamination teams, fuel recovery specialists, explosive ordnance disposal specialists).

The NTSB has primary responsibility for investigating accidents involving civil aircraft. In the case of a military aircraft accident, the appropriate branch of the military will have primary investigation responsibility.

After the NTSB or military representative arrives on-scene, the efforts of this department will shift to a support role for those agencies.

If NTSB or a military representative determines that an aircraft or accident does not qualify under its jurisdiction, the on-scene department supervisor should ensure the accident is still appropriately investigated and documented.

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417.7 DANGEROUS MATERIALS

Members should be aware of potentially dangerous materials that might be present. These may include, but are not limited to:

- (a) Fuel, chemicals, explosives, biological or radioactive materials and bombs or other ordnance.
- (b) Pressure vessels, compressed gas bottles, accumulators and tires.
- (c) Fluids, batteries, flares and igniters.
- (d) Evacuation chutes, ballistic parachute systems and composite materials.

417.8 DOCUMENTATION

All aircraft accidents occurring within the City of Blue Ash shall be documented. At a minimum, the documentation should include the date, time and location of the incident; any witness statements, if taken; the names of BAPD members deployed to assist; other City resources that were utilized; and cross reference information to other investigating agencies. Suspected criminal activity should be documented on the appropriate crime report.

417.8.1 WRECKAGE

When reasonably safe, members should:

- (a) Obtain the aircraft registration number (N number) and note the type of aircraft.
- (b) Attempt to ascertain the number of casualties.
- (c) Obtain photographs or video of the overall wreckage, including the cockpit and damage, starting at the initial point of impact, if possible, and any ground scars or marks made by the aircraft.
 - 1. Military aircraft may contain classified equipment and therefore shall not be photographed unless authorized by a military commanding officer (18 USC § 795).
- (d) Secure, if requested by the lead authority, any electronic data or video recorders from the aircraft that became dislodged or cell phones or other recording devices that are part of the wreckage.
- (e) Acquire copies of any recordings from security cameras that may have captured the incident.

417.8.2 WITNESSES

Members tasked with contacting witnesses should obtain:

- (a) The location of the witness at the time of his/her observation relative to the accident site.
- (b) A detailed description of what was observed or heard.
- (c) Any photographs or recordings of the accident witnesses may be willing to voluntarily surrender.
- (d) The names of all persons reporting the accident, even if not yet interviewed.

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- (e) Any audio recordings of reports to 9-1-1 regarding the accident and dispatch records.

417.9 MEDIA RELATIONS

The Public Information Officer (PIO) should coordinate a response to the media, including access issues, road closures, detours and any safety information that is pertinent to the surrounding community. Any release of information regarding details of the accident itself should be coordinated with the NTSB or other authority who may have assumed responsibility for the investigation.

Depending on the type of aircraft, the airline or the military may be responsible for family notifications and the release of victims' names. The PIO should coordinate with other involved entities before the release of information.

Field Training Officer Program

418.1 PURPOSE AND SCOPE

The Field Training Officer Program is intended to provide a standardized program to facilitate the officer's transition from the academic setting to the actual performance of general law enforcement duties of the Blue Ash Police Department.

It is the policy of this department to assign all new police officers to a structured Field Training Officer Program that is designed to prepare the new officer to perform in a patrol assignment and to acquire all of the skills needed to operate in a safe, productive and professional manner.

418.2 FIELD TRAINING OFFICER

The Field Training Officer (FTO) is an experienced officer trained in the art of supervising, training and evaluating entry level and lateral police officers in the application of their previously acquired knowledge and skills.

418.2.1 SELECTION PROCESS

FTOs will be selected based on the following requirements:

- (a) Desire to be an FTO.
- (b) Minimum of three years of patrol experience, one of which shall be with this department.
- (c) Demonstrated ability as a positive role model.
- (d) Participate and pass an internal oral interview selection process.
- (e) Evaluation by supervisors.

418.2.2 TRAINING

Members selected as an FTO shall successfully complete a Field Training Officer's course approved by the department prior to assuming FTO duties.

418.3 FIELD TRAINING OFFICER PROGRAM SUPERVISOR

The Field Training Officer Program supervisor will be selected from the rank of sergeant or above by the Operations Bureau Commander or designee and should complete Department-approved FTO supervisory training within one year of appointment to this position.

The responsibilities of the FTO Program supervisor include the following:

- (a) Assignment of trainees to FTOs.
- (b) Conduct FTO meetings.
- (c) Maintain and ensure FTO/trainee performance evaluations are completed.
- (d) Maintain, update and issue the Field Training Manual to each trainee.
- (e) Monitor individual FTO performance.

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- (f) Monitor overall FTO Program.
- (g) Develop ongoing training for FTOs.

418.4 TRAINEE DEFINED

Trainee - Any entry level or lateral police officer newly appointed to the Blue Ash Police Department who has successfully completed a OPOTC approved basic academy and possesses an OPOTC basic training certificate within one year after commencing employment as a peace officer.

418.5 REQUIRED TRAINING

Entry level officers shall be required to successfully complete the Field Training Program.

The required training will take place on at least two different shifts and with at least two different FTOs if reasonably possible.

418.5.1 FIELD TRAINING MANUAL

Each new officer will be issued a Field Training Manual at the beginning of his/her Primary Training Phase. This manual is an outline of the subject matter and skills necessary to properly function as an officer with the Blue Ash Police Department. The officer shall become knowledgeable of the subject matter as outlined. He/she shall also become proficient with those skills as set forth in the manual.

The Field Training Manual will specifically cover those policies, procedures, rules and regulations of the Blue Ash Police Department.

418.5.2 PROGRAM DURATION AND PHASING FOR NEW OFFICERS OR OUT-OF-STATE LATERALS

The Field Training Program is a minimum of 56 work days for an 8.5-hour work day schedule and 40 days for a 12-hour work day schedule. During the program, a maximum of two 4-day extension periods may be added by the Field Training Officer Supervisor at their discretion. A third 4-day extension may be added at the discretion of the Chief of Police.

The 56-day (8.5 hour work day schedule) program is divided into the following phases:

- Phase 1 consists of orientation days and 16 work days. The first eight (8) work days are "limbo days," during which time the trainee is not rated by the FTO. The trainee must satisfactorily complete both written and practical tests to advance to Phase 2.
- Phase 2 consists of 16 work days, the first four (4) of which are limbo days. The trainee must satisfactorily complete both written and practical tests to advance to Phase 3.
- Phase 3 consists of 16 work days, the first four (4) of which are limbo days. The trainee must satisfactorily complete both written and practical tests to advance to Phase 4.
- Phase 4 consists of 8 work days with no limbo days. During the first four (4) days the FTO will be in plain clothes in the same marked police cruiser as the trainee. During the final four (4) days the FTO will shadow the recruit in a separate marked cruiser.

The 40-day (12 hour work day schedule) program is divided into the following phases:

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- Phase 1 consists of orientation days and 12 work days. The first six (6) work days are "limbo days," during which time the trainee is not rated by the FTO. The trainee must satisfactorily complete both written and practical tests to advance to Phase 2.
- Phase 2 consists of 10 work days, the first three (3) of which are limbo days. The trainee must satisfactorily complete both written and practical tests to advance to Phase 3.
- Phase 3 consists of 10 work days, the first three (3) of which are limbo days. The trainee must satisfactorily complete both written and practical tests to advance to Phase 4.
- Phase 4 consists of 8 work days with no limbo days. During the first four (4) days the FTO will be in plain clothes in the same marked police cruiser as the trainee. During the final four (4) days the FTO will shadow the recruit in a separate marked cruiser.

418.5.3 PROGRAM DURATION AND PHASING FOR LATERAL OFFICERS (OPOTC CERTIFIED)

The Field Training Program is a minimum of 44 work days in duration for an 8.5 hour work day schedule and 32 days for a 12 hour work day schedule. During the program, a maximum of two 4-day extension periods may be added by the Field Training Officer Supervisor at their discretion. A third 4-day extension may be added at the discretion of the Chief of Police.

The 44-day program is divided into the following phases:

- Phase 1 consists of orientation days and 16 work days. The first four (4) work days are "limbo days," during which time the trainee is not rated by the FTO. The trainee must satisfactorily complete both written and practical tests to advance to Phase 2.
- Phase 2 consists of 12 work days, the first two (2) of which are limbo days. The trainee must satisfactorily complete both written and practical tests to advance to Phase 3.
- Phase 3 consists of 8 work days, the first two (2) of which are limbo days. The trainee must satisfactorily complete both written and practical tests to advance to Phase 4.
- Phase 4 consists of 8 work days with no limbo days. During the first four (4) days the FTO will be in plain clothes in the same marked police cruiser as the trainee. During the final four days the FTO will shadow the recruit in a separate marked cruiser.

The 32-day program is divided into the following phases:

- Phase 1 consists of orientation days and 10 work days. The first four (4) work days are "limbo days," during which time the trainee is not rated by the FTO. The trainee must satisfactorily complete both written and practical tests to advance to Phase 2.
- Phase 2 consists of 8 work days, the first two (2) of which are limbo days. The trainee must satisfactorily complete both written and practical tests to advance to Phase 3.
- Phase 3 consists of 8 work days, the first day of which is a limbo day. The trainee must satisfactorily complete both written and practical tests to advance to Phase 4.
- Phase 4 consists of 6 work days with no limbo days. During the first three (3) days the FTO will be in plain clothes in the same marked police cruiser as the trainee. During the final three (3) days the FTO will shadow the recruit in a separate marked cruiser.

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418.5.4 PROGRAM DURATION AND PHASING FOR PART-TIME AND/OR AUXILIARY OFFICERS

The Part-time/Auxiliary Field Training Program is a minimum of 12 work days in duration. During the program, a maximum of two 4-day extension periods may be added by the Field Training Officer Supervisor at their discretion. A third 4-day extension may be added at the discretion of the Chief of Police.

The 12-day program is divided into the following phases:

- Phase 1 consists of orientation days and 6 work days. The first two work days are "limbo days," during which time the trainee is not rated by the FTO. The trainee must satisfactorily complete both written and practical tests to advance to Phase 2.
- Phase 2 consists of 6 work days, the first day is a limbo day. The trainee must satisfactorily complete both written and practical tests to complete the Part-Time/Auxiliary Field Training Program.

418.6 EVALUATIONS

Evaluations are an important component of the training process and shall be completed as outlined below.

418.6.1 FIELD TRAINING OFFICER

- (a) FTOs shall complete and submit a written evaluation on the performance of their assigned trainee to their immediate supervisor on a daily basis.
- (b) FTOs shall review the Daily Trainee Performance Evaluations with the trainee each day.
- (c) A detailed end-of-phase performance evaluation on the assigned trainee shall be completed by the FTO at the end of each phase of training.
- (d) FTOs shall be responsible for signing off on all completed topics contained in the Field Training Manual, noting the method of learning and evaluating the performance of the assigned trainee.

418.6.2 FTO PROGRAM SUPERVISOR

The FTO supervisor shall review and approve the Daily Trainee Performance Evaluations.

The FTO supervisor will hold periodic meetings with all FTOs to ensure understanding and compliance with the requirements of the Field Training Program. When necessary, the Field Training Administrator will hold a process review meeting with all FTOs to discuss changes needed in the FTO Program.

418.6.3 TRAINEE

At the completion of the Field Training Program, the trainee shall submit a performance evaluation of the Field Training Program.

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418.7 DOCUMENTATION

All documentation of the Field Training Program will be retained in the officer's training files and will consist of the following:

- (a) Daily Trainee Performance Evaluations.
- (b) End of phase evaluations.

Obtaining Air Support Assistance

419.1 PURPOSE AND SCOPE

The use of air support can be invaluable in certain situations. This policy specifies potential situations where the use of air support may be requested and the responsibilities for making a request.

419.2 REQUEST FOR AIR SUPPORT ASSISTANCE

If a supervisor or officer in charge of an incident determines that the use of air support would be beneficial, a request to obtain air support assistance may be made.

419.2.1 REQUEST FOR ASSISTANCE FROM ANOTHER AGENCY

After consideration and approval of the request for air support, the Shift OIC or designee will call the closest agency having air support available. The Shift OIC will apprise that agency of the specific details of the incident prompting the request.

419.2.2 CIRCUMSTANCES UNDER WHICH AID MAY BE REQUESTED

Law enforcement air support may be requested under any of the following conditions:

- (a) When the aircraft is activated under existing mutual aid agreements.
- (b) Whenever the safety of law enforcement personnel is in jeopardy and the presence of the aircraft may reduce such hazard.
- (c) When the use of aircraft will aid in the capture of a suspected fleeing felon whose continued freedom represents an ongoing threat to the community.
- (d) When an aircraft is needed to locate a person who is lost and whose continued absence constitutes a serious health or safety hazard.
- (e) Vehicle pursuits.
- (f) Pre-planned events or actions that require air support.
- (g) When the Shift OIC or equivalent authority determines a reasonable need exists.

While it is recognized that the availability of air support will generally provide valuable assistance to ground personnel, the presence of air support will rarely replace the need for officers on the ground.

Contacts and Temporary Detentions

420.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for temporarily detaining but not arresting persons in the field, conducting field interviews (FI) and pat-down searches, and the taking and disposition of photographs.

420.1.1 DEFINITIONS

Definitions related to this policy include:

Consensual encounter - When an officer contacts an individual but does not create a detention through words, actions, or other means. In other words, a reasonable individual would believe that his/her contact with the officer is voluntary.

Field interview (FI) - The brief detainment of an individual, whether on foot or in a vehicle, based on reasonable suspicion for the purpose of determining the individual's identity and resolving the officer's suspicions.

Field photographs - Posed photographs taken of a person during a contact, temporary detention, or arrest in the field. Undercover surveillance photographs of an individual and recordings captured by the normal operation of a Mobile Audio/Video (MAV) system, body-worn camera, or public safety camera when persons are not posed for the purpose of photographing are not considered field photographs.

Pat-down search - A type of search used by officers in the field to check an individual for dangerous weapons. It involves a thorough patting-down of clothing to locate any weapons or dangerous items that could pose a danger to the officer, the detainee, or others.

Reasonable suspicion - When, under the totality of the circumstances, an officer has articulable facts that criminal activity may be afoot and a particular person is connected with that possible criminal activity.

Temporary detention - When an officer intentionally, through words, actions, or physical force, causes an individual to reasonably believe he/she is required to restrict his/her movement without an actual arrest. Temporary detentions also occur when an officer actually restrains a person's freedom of movement.

420.2 FIELD INTERVIEWS

Based on observance of suspicious circumstances or upon information from investigation, an officer may initiate the stop of a person, and conduct an FI, when there is articulable, reasonable suspicion to do so. A person, however, shall not be detained longer than is reasonably necessary to resolve the officer's suspicion.

Nothing in this policy is intended to discourage consensual contacts. Frequent casual contact with consenting individuals is encouraged by the Blue Ash Police Department to strengthen community involvement, community awareness, and problem identification.

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420.2.1 INITIATING A FIELD INTERVIEW

When initiating the stop, the officer should be able to point to specific facts which, when considered with the totality of the circumstances, reasonably warrant the stop. Such facts include but are not limited to an individual's:

- (a) Appearance or demeanor suggesting that he/she is part of a criminal enterprise or is engaged in a criminal act.
- (b) Actions suggesting that he/she is engaged in a criminal activity.
- (c) Presence in an area at an inappropriate hour of the day or night.
- (d) Presence in a particular area is suspicious.
- (e) Carrying of suspicious objects or items.
- (f) Excessive clothes for the climate or clothes bulging in a manner that suggests he/she is carrying a dangerous weapon.
- (g) Location in proximate time and place to an alleged crime.
- (h) Physical description or clothing worn that matches a suspect in a recent crime.
- (i) Prior criminal record or involvement in criminal activity as known by the officer.

420.3 PAT-DOWN SEARCHES

Once a valid stop has been made, and consistent with the officer's training and experience, an officer may pat a suspect's outer clothing for weapons if the officer has a reasonable, articulable suspicion the suspect may pose a safety risk. The purpose of this limited search is not to discover evidence of a crime, but to allow the officer to pursue the investigation without fear of violence. Circumstances that may establish justification for performing a pat-down search include but are not limited to:

- (a) The type of crime suspected, particularly in crimes of violence where the use or threat of weapons is involved.
- (b) Where more than one suspect must be handled by a single officer.
- (c) The hour of the day and the location or area where the stop takes place.
- (d) Prior knowledge of the suspect's use of force and/or propensity to carry weapons.
- (e) The actions and demeanor of the suspect.
- (f) Visual indications which suggest that the suspect is carrying a firearm or other dangerous weapon.

Whenever practicable, a pat-down search should not be conducted by a lone officer. A cover officer should be positioned to ensure safety and should not be involved in the search.

420.4 FIELD PHOTOGRAPHS

All available databases should be searched before photographing any field detainee. If a photograph is not located, or if an existing photograph no longer resembles the detainee, the officer shall carefully consider, among other things, the factors listed below.

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420.4.1 FIELD PHOTOGRAPHS TAKEN WITH CONSENT

Field photographs may be taken when the subject being photographed knowingly and voluntarily gives consent. When taking a consensual photograph, the officer should have the individual read and sign the appropriate form accompanying the photograph.

420.4.2 FIELD PHOTOGRAPHS TAKEN WITHOUT CONSENT

Field photographs may be taken without consent only if they are taken during a detention that is based upon reasonable suspicion of criminal activity, and the photograph serves a legitimate law enforcement purpose related to the detention. The officer must be able to articulate facts that reasonably indicate that the subject was involved in or was about to become involved in criminal conduct. The subject should not be ordered to remove or lift any clothing for the purpose of taking a photograph.

If, prior to taking a photograph, the officer's reasonable suspicion of criminal activity has been dispelled, the detention must cease and the photograph should not be taken.

All field photographs and related reports shall be submitted to a supervisor and retained in compliance with this policy.

420.4.3 FIELD PHOTOGRAPHS OF CHILDREN

Field photographs may only be taken of a child with the consent of a juvenile court judge, except when the child has been (ORC § 2151.313):

- (a) Arrested or otherwise taken into custody for committing, or has been adjudicated as a delinquent child for committing, an act that would be a felony if committed by an adult.
- (b) Convicted of or pleaded guilty to committing a felony.
- (c) Arrested or otherwise taken into custody or has been adjudicated as a delinquent child for committing an act where all of the following apply:
 - 1. The offense is not a traffic offense or minor misdemeanor if committed by an adult.
 - 2. There is probable cause to believe the child may have been involved in the act.

The officer who photographs a juvenile shall immediately inform the juvenile court that the photographs were taken and shall provide the court with the identity of the juvenile, the number of photographs taken and the name and address of each person who has custody and control of the photographs or copies of the photographs (ORC § 2151.313(A)(2)).

420.4.4 DISPOSITION OF PHOTOGRAPHS

All detainee photographs must be adequately labeled and submitted to the Shift OIC with either an associated FI card or other documentation explaining the nature of the contact. If an individual is photographed as a suspect in a particular crime, the photograph should be submitted as an evidence item in the related case, following standard evidence procedures.

If a photograph is not associated with an investigation where a case number has been issued, the Shift OIC should review and forward the photograph to one of the following locations:

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- (a) If the photograph and associated FI or documentation is relevant to criminal organization/enterprise enforcement, the Shift OIC will forward the photograph and documents to the designated criminal intelligence system supervisor. The supervisor will ensure the photograph and supporting documents are retained as prescribed in the Criminal Organizations Policy.
- (b) Photographs that do not qualify for retention in a criminal intelligence system or temporary information file shall be forwarded to the Records Unit.

When a photograph is taken in association with a particular case, the investigator may use such photograph in a photo lineup. Thereafter, the individual photograph should be retained as a part of the case file. All other photographs shall be retained in accordance with the established records retention schedule.

Photographs of children shall be retained in a file separate and apart from all photographs taken of adults until released to the juvenile court or as otherwise ordered by a juvenile judge (ORC § 2151.313(B)).

When a photograph of a child is taken in association with a particular case, before filing a complaint regarding the offense, the photograph may only be used in the investigation of the original offense and may only be released to the court.

After filing the complaint, the photograph may be used to investigate the original offense or to investigate any other juvenile delinquency offense involving the juvenile as a suspect. Photographs may also be used in a photo lineup when the child in the photograph has been adjudicated as a delinquent child for the commission of an act that would be a felony if committed by an adult, or convicted or pleaded guilty to a criminal offense that is a felony as a result of the arrest or custody that was the basis of the taking of the photographs (ORC § 2151.313(C)).

420.4.5 SUPERVISOR RESPONSIBILITIES

While it is recognized that field photographs often become valuable investigative tools, supervisors should monitor such practices in view of the above listed considerations. This is not to imply that supervisor approval is required before each photograph is taken.

Access to, and use of, field photographs shall be strictly limited to law enforcement purposes.

420.5 POLICY

The Blue Ash Police Department respects the right of the public to be free from unreasonable searches or seizures. Due to an unlimited variety of situations confronting the officer, the decision to temporarily detain a person and complete an FI, pat-down search, or field photograph shall be left to the officer based on the totality of the circumstances, officer safety considerations, and constitutional safeguards.

420.6 WITNESS IDENTIFICATION AND INTERVIEWS

Because potential witnesses to an incident may become unavailable or the integrity of their statements compromised with the passage of time, officers should, when warranted by the

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seriousness of the case, take reasonable steps to promptly coordinate with an on-scene supervisor and/or criminal investigator to utilize available members for the following:

- (a) Identifying all persons present at the scene and in the immediate area.
 - 1. When feasible, a recorded statement should be obtained from those who claim not to have witnessed the incident but who were present at the time it occurred.
 - 2. Any potential witness who is unwilling or unable to remain available for a formal interview should not be detained absent reasonable suspicion to detain or probable cause to arrest. Without detaining the individual for the sole purpose of identification, officers should attempt to identify the witness prior to his/her departure.
- (b) Witnesses who are willing to provide a formal interview should be asked to meet at a suitable location where criminal investigators may obtain a recorded statement. Such witnesses, if willing, may be transported by department members.
 - 1. A written, verbal, or recorded statement of consent should be obtained prior to transporting a witness. When the witness is a minor, consent should be obtained from the parent or guardian, if available, prior to transport.

Criminal Organizations

421.1 PURPOSE AND SCOPE

The purpose of this policy is to ensure that the Blue Ash Police Department appropriately utilizes criminal intelligence systems and temporary information files to support investigations of criminal organizations and enterprises.

421.1.1 DEFINITIONS

Definitions related to this policy include:

Criminal intelligence system - Any record system that receives, stores, exchanges or disseminates information that has been evaluated and determined to be relevant to the identification of a criminal organization or enterprise, its members or affiliates. This does not include temporary information files.

421.2 POLICY

The Blue Ash Police Department recognizes that certain criminal activities, including but not limited to gang crimes and drug trafficking, often involve some degree of regular coordination and may involve a large number of participants over a broad geographical area.

It is the policy of this department to collect and share relevant information while respecting the privacy and legal rights of the public.

421.3 CRIMINAL INTELLIGENCE SYSTEMS

No department member may create, submit to or obtain information from a criminal intelligence system unless the Chief of Police has approved the system for department use.

Any criminal intelligence system approved for department use should meet or exceed the standards of 28 CFR 23.20.

A designated supervisor will be responsible for maintaining each criminal intelligence system that has been approved for department use. The supervisor or the authorized designee should ensure the following:

- (a) Members using any such system are appropriately selected and trained.
- (b) Use of every criminal intelligence system is appropriately reviewed and audited.
- (c) Any system security issues are reasonably addressed.

Shift OICs

422.1 PURPOSE AND SCOPE

Each patrol shift must be directed by supervisors who are capable of making decisions and communicating in a manner consistent with Department policies, procedures, practices, functions and objectives. To accomplish this goal, a Sergeant or higher ranking officer generally heads each shift.

Mobile Audio Video

423.1 PURPOSE AND SCOPE

The Blue Ash Police Department has equipped marked patrol cars with Mobile Video Recording (MVR) systems. The MVR is designed to provide records of events and assist officers in the performance of their duties. This policy provides guidance on the use of these systems.

423.1.1 DEFINITIONS

Definitions related to this policy include:

Activate - Any process that causes the MVR system to transmit or store video or audio data in an active mode.

In-Car Camera System and Mobile Video Recorder (MVR) - Synonymous terms which refer to any system that captures audio and video signals, that is capable of installation in a vehicle, and that includes at minimum, a camera, microphone, recorder and monitor.

MVR Technician - Personnel certified or trained in the operational use and repair of MVRs, duplicating methods, storage and retrieval methods and procedures, and who have working knowledge of video forensics and evidentiary procedures.

Recorded media - Audio-video signals recorded or digitally stored on a storage device or portable media.

423.2 POLICY

It is the policy of the Blue Ash Police Department to use mobile video recording technology to more effectively fulfill the department's mission and to ensure these systems are used securely and efficiently.

423.3 OFFICER RESPONSIBILITIES

Prior to going into service, each officer will properly equip him/herself to record audio and video in the field.

At the start of each shift, officers should test the MVR system's operation in accordance with manufacturer specifications and department operating procedures and training.

If the system is malfunctioning, the officer shall take the vehicle out of service unless a supervisor requests the vehicle remain in service.

423.4 ACTIVATION OF THE MVR

The MVR system is designed to turn on whenever the unit's emergency lights are activated. The system remains on until it is turned off manually. The audio portion is independently controlled and should be activated manually by the officer whenever required. When audio is being recorded, the video will also record.

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423.4.1 REQUIRED ACTIVATION OF THE MVR

This policy is not intended to describe every possible situation in which the MVR system may be used, although there are many situations where its use is appropriate. An officer may activate the system any time the officer believes its use would be appropriate and/or valuable to document an incident.

In some circumstances it is not possible to capture images of the incident due to conditions or the location of the camera. However, the audio portion can be valuable evidence and is subject to the same activation requirements as the MVR. The MVR system should be activated in any of the following situations:

- (a) All field contacts involving actual or potential criminal conduct within video or audio range:
 - 1. Traffic stops
 - 2. Emergency response mode
 - 3. Vehicle pursuits
 - 4. Suspicious vehicles
 - 5. Arrests, when practical
 - 6. Vehicle searches
 - 7. Physical or verbal confrontations or use of force, when practical
 - 8. Pedestrian checks
 - 9. OVI investigations including field sobriety tests
 - 10. Crimes in progress
- (b) Any other contact that becomes adversarial after the initial contact, in a situation that would not otherwise require recording, when practical
- (c) Response to and investigation of traffic crashes.
- (d) Any other circumstance where the officer believes that a recording of an incident would be appropriate

423.4.2 CESSATION OF RECORDING

Once activated, the MVR system should remain on until the incident has concluded. For purposes of this section, conclusion of an incident has occurred when all arrests have been made, arrestees have been transported and all on-scene witnesses and victims have been interviewed. Recording may cease if an officer is simply waiting for a tow truck or a family member to arrive, or in other similar situations.

423.4.3 WHEN ACTIVATION IS NOT REQUIRED

Activation of the MVR system is not required when exchanging information with other officers or during breaks, lunch periods, when not in service or actively on patrol.

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No member of this department may surreptitiously record a conversation of any other member of this department except with a court order or when lawfully authorized by the Chief of Police or the authorized designee for the purpose of conducting a criminal or administrative investigation.

423.5 REVIEW OF MVR RECORDINGS

All recording media, recorded images and audio recordings are the property of the Department. Dissemination outside of the agency is strictly prohibited except to the extent permitted or required by law

Recordings may be reviewed in any of the following situations:

- (a) For use when preparing reports or statements
- (b) By a supervisor investigating a specific act of officer conduct
- (c) By a supervisor to assess officer performance
- (d) To assess proper functioning of MVR systems
- (e) By department investigators who are participating in an official investigation, such as a personnel complaint, administrative inquiry or a criminal investigation
- (f) By department personnel who request to review recordings
- (g) By an officer who is captured on or referenced in the video or audio data and reviews and uses such data for any purpose relating to his/her employment
- (h) By court personnel through proper process or with permission of the Chief of Police or the authorized designee
- (i) By the media through proper process or with permission of the Chief of Police or the authorized designee
- (j) To assess possible training value
- (k) Recordings may be shown for training purposes. If an involved officer objects to showing a recording, his/her objection will be submitted to the staff to determine if the training value outweighs the officer's objection.

In no event shall any recording be used or shown for the purpose of ridiculing or embarrassing any employee.

423.6 DOCUMENTING MVR USE

If any incident is recorded with either the video or audio system, the existence of that recording should be documented in the officer's report.

423.7 RECORDING MEDIA STORAGE AND INTEGRITY

Once submitted for storage, all recording media will be labeled and stored in a designated secure area. All recording media that is not booked as evidence will be retained as required by the established records retention schedule.

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423.8 SYSTEM OPERATIONAL STANDARDS

- (a) MVR system vehicle installations should be based on officer safety requirements and vehicle and device manufacturer recommendations.
- (b) The MVR system should be configured to minimally record for 30 seconds prior to an event.
- (c) The MVR system may not be configured to record audio data occurring prior to activation.
- (d) Unless the transmitters being used are designed for synchronized use, only one transmitter, usually the primary initiating officer's transmitter, should be activated at a scene to minimize interference or noise from other MVR transmitters.
- (e) Officers using digital transmitters that are individually synchronized to their individual MVR shall activate both audio and video recordings when responding in a support capacity. This is to obtain additional perspectives of the incident scene.
- (f) Officers shall not erase, alter, reuse, modify or tamper with MVR recordings.

Mobile Data Computer Use

424.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for the proper access, use and application of the Mobile Data Computer (MDC) system in order to ensure appropriate access to confidential records from local, state and national law enforcement databases, and to ensure effective electronic communications between department members and Dispatch.

424.2 POLICY

Blue Ash Police Department members using the MDC shall comply with all appropriate federal and state rules and regulations and shall use the MDC in a professional manner, in accordance with this policy.

424.3 PRIVACY EXPECTATION

Members forfeit any expectation of privacy with regard to messages accessed, transmitted, received or reviewed on any department technology system (see the Information Technology Use Policy for additional guidance).

424.4 RESTRICTED ACCESS AND USE

MDC use is subject to the Information Technology Use and Protected Information policies.

Members shall not access the MDC system if they have not received prior authorization and the required training. Members shall immediately report unauthorized access or use of the MDC by another member to their supervisors or Shift OICs.

Use of the MDC system to access law enforcement databases or transmit messages is restricted to official activities, business-related tasks and communications that are directly related to the business, administration or practices of the Department. In the event that a member has questions about sending a particular message or accessing a particular database, the member should seek prior approval from his/her supervisor.

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

It is a violation of this policy to transmit a message or access a law enforcement database under another member's name or to use the password of another member to log in to the MDC system unless directed to do so by a supervisor. Members are required to log off the MDC or secure the MDC when it is unattended. This added security measure will minimize the potential for unauthorized access or misuse.

424.4.1 USE WHILE DRIVING

Use of the MDC by the vehicle operator should be limited to times when the vehicle is stopped. Information that is required for immediate enforcement, investigative, tactical or safety needs should be transmitted over the radio.

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In no case shall an operator attempt to send or review lengthy messages while the vehicle is in motion.

424.5 EQUIPMENT CONSIDERATIONS

424.5.1 MALFUNCTIONING MDC

Whenever possible, members will not use vehicles with malfunctioning MDCs. Whenever members must drive a vehicle in which the MDC is not working, they shall notify Dispatch. It shall be the responsibility of the dispatcher to document all information that will then be transmitted verbally over the police radio.

Portable Audio/Video Recorders

425.1 PURPOSE AND SCOPE

This policy provides guidelines for the use of portable audio/video recording devices by members of this department while in the performance of their duties. Portable audio/video recording devices include all recording systems whether body-worn, hand held or integrated into portable equipment.

This policy does not apply to mobile audio/video recordings, interviews or interrogations conducted at any Blue Ash Police Department facility, authorized undercover operations, wiretaps or eavesdropping (concealed listening devices).

425.2 POLICY

The Blue Ash Police Department may provide members with access to portable recorders, either audio or video or both, for use during the performance of their duties. The use of recorders is intended to enhance the mission of the Department by accurately capturing contacts between members of the Department and the public.

425.3 MEMBER PRIVACY EXPECTATION

All recordings made by members on any department-issued device at any time, and any recording made while acting in an official capacity of this department, regardless of ownership of the device it was made on, shall remain the property of the Department. Members shall have no expectation of privacy or ownership interest in the content of these recordings.

Members are not permitted to pair portable recorders with devices (such as mobile phones) that are not owned by the Department.

425.4 MEMBER RESPONSIBILITIES

Prior to going into service, each uniformed member will be responsible for making sure that he/she is equipped with a portable recorder issued by the Department, and shall test the recorder to ensure that it is in good working order. If the recorder is not in working order or the member becomes aware of a malfunction at any time, the member shall promptly report the failure to his/her supervisor and obtain a functioning device as soon as reasonably practicable. Uniformed members shall wear the recorder in a manner that positions the bottom of the recorder no lower than the bottom of the breast pockets of the uniform shirt or external body armor carrier, and the top of the recorder no higher than the top of the pockets, unless the officer chooses to use the pocket mount.

Any member assigned to a non-uniformed position may carry an approved portable recorder at any time the member believes that such a device may be useful. Unless conducting a lawful recording in an authorized undercover capacity, non-uniformed members should wear the recorder in a conspicuous manner when in use or otherwise notify persons that they are being recorded, whenever reasonably practicable.

When using a portable recorder, the assigned member shall record his/her name, BAPD identification number and the current date and time at the beginning and the end of the shift or

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other period of use, regardless of whether any activity was recorded. This procedure is not required when the recording device and related software captures the user's unique identification and the date and time of each recording.

Members should document any instance where the recorder malfunctioned or the member deactivated the recording. Members should include the reason for deactivation.

425.5 ACTIVATION OF THE AUDIO/VIDEO RECORDER

This policy is not intended to describe every possible situation in which the portable recorder should be used, although there are many situations where its use is appropriate. Members should activate the recorder any time the member believes it would be appropriate or valuable to record an incident.

The portable recorder should be activated in any of the following situations:

- (a) All enforcement and investigative contacts including stops and field interview (FI) situations
- (b) Traffic stops including, but not limited to, traffic violations, stranded motorist assistance and all crime interdiction stops
- (c) Self-initiated activity in which an officer would normally notify Dispatch.
- (d) Response to and investigation of traffic crashes.
- (e) Any other contact that becomes adversarial after the initial contact in a situation that would not otherwise require recording

Members should remain sensitive to the dignity of all individuals being recorded and exercise sound discretion to respect privacy by discontinuing recording whenever it reasonably appears to the member that such privacy may outweigh any legitimate law enforcement interest in recording. Requests by members of the public to stop recording should be considered using this same criterion. Recording should resume when privacy is no longer at issue unless the circumstances no longer fit the criteria for recording.

At no time is a member expected to jeopardize his/her safety in order to activate a portable recorder or change the recording media. However, the recorder should be activated in situations described above as soon as reasonably practicable.

425.5.2 CESSATION OF RECORDING

Once activated, the portable recorder should remain on continuously until the member reasonably believes that his/her direct participation in the incident is complete or the situation no longer fits the criteria for activation. Recording may be stopped during significant periods of inactivity such as report writing or other breaks from direct participation in the incident, or when approval is given by a supervisor.

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425.5.3 EXPLOSIVE DEVICE

Many portable recorders, including body-worn cameras and audio/video transmitters, emit radio waves that could trigger an explosive device. Therefore, these devices should not be used where an explosive device may be present.

425.6 PROHIBITED USE OF PORTABLE RECORDERS

Members are prohibited from using department-issued portable recorders and recording media for personal use and are prohibited from making personal copies of recordings created while on-duty or while acting in their official capacity.

Members are also prohibited from retaining recordings of activities or information obtained while on-duty, whether the recording was created with department-issued or personally owned recorders. Members shall not duplicate or distribute such recordings, except for authorized legitimate department business purposes. All such recordings shall be retained at the Department.

Members are prohibited from using personally owned recording devices while on-duty without the express consent of the Shift OIC. Any member who uses a personally owned recorder for department-related activities shall comply with the provisions of this policy, including retention and release requirements, and should notify the on-duty supervisor of such use as soon as reasonably practicable.

Recordings shall not be used by any member for the purpose of embarrassment, harassment or ridicule.

425.7 IDENTIFICATION AND PRESERVATION OF RECORDINGS

To assist with identifying and preserving data and recordings, members should download, tag or mark these in accordance with procedure and document the existence of the recording in any related case report.

A member should transfer, tag or mark recordings when the member reasonably believes:

- (a) The recording contains evidence relevant to potential criminal, civil or administrative matters.
- (b) A complainant, victim or witness has requested non-disclosure.
- (c) A complainant, victim or witness has not requested non-disclosure but the disclosure of the recording may endanger the person.
- (d) Disclosure may be an unreasonable violation of someone's privacy.
- (e) Medical or mental health information is contained.
- (f) Disclosure may compromise an undercover officer or confidential informant.

Any time a member reasonably believes a recorded contact may be beneficial in a non-criminal matter (e.g., a hostile contact), the member should promptly notify a supervisor of the existence of the recording.

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425.8 REVIEW OF RECORDED MEDIA FILES

When preparing written reports, members should review their recordings as a resource (see the Officer-Involved Shootings and Deaths Policy for guidance in those cases). However, members shall not retain personal copies of recordings. Members should not use the fact that a recording was made as a reason to write a less detailed report.

Supervisors are authorized to review relevant recordings any time they are investigating alleged misconduct or reports of meritorious conduct or whenever such recordings would be beneficial in reviewing the member's performance.

Recorded files may also be reviewed:

- (a) Upon approval by a supervisor, by any member of the Department who is participating in an official investigation, such as a personnel complaint, administrative investigation or criminal investigation.
- (b) Pursuant to lawful process or by court personnel who are otherwise authorized to review evidence in a related case.
- (c) By media personnel with permission of the Chief of Police or the authorized designee.
- (d) In compliance with a public records request, if permitted, and in accordance with the Records Maintenance and Release Policy.

All recordings should be reviewed by the Custodian of Records prior to public release (see the Records Maintenance and Release Policy). Recordings that unreasonably violate a person's privacy or sense of dignity should not be publicly released unless disclosure is required by law or order of the court.

425.9 COORDINATOR

The Chief of Police or the authorized designee should designate a coordinator responsible for:

- (a) Establishing procedures for the security, storage and maintenance of data and recordings.
- (b) Establishing procedures for accessing data and recordings.
- (c) Establishing procedures for logging or auditing access.
- (d) Establishing procedures for transferring, downloading, tagging or marking events.
- (e) Establishing procedures for a documented review of recordings.
- (f) Maintaining portable recorders and related equipment.

425.10 RETENTION OF RECORDINGS

All recordings shall be retained for a period consistent with the requirements of the organization's records retention schedule but in no event for a period less than 90 days.

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425.10.1 RELEASE OF AUDIO/VIDEO RECORDINGS

Requests for the release of audio/video recordings shall be processed in accordance with the Records Maintenance and Release Policy.

425.11 BIOHAZARD CONTAMINATION

Any member whose assigned portable recorder has been exposed to blood or other bodily fluid should immediately remove the recorder from service, seal it in a plastic bag, and deliver it to the designated coordinator. The coordinator will evaluate the contamination and clean the recorder as directed by the manufacturer. The recorder will then be placed back into service by the coordinator.

425.12 TRAINING

Initially, at least annually, or more frequently upon any updates, sworn members of this department shall certify in writing, or acknowledge electronically, that they have received, read, and understand this policy.

425.13 POLICY REVIEW

Annually, the Chief of Police or the authorized designee shall conduct a review of this policy for best practice and compliance purposes.

Bicycle Patrol

426.1 PURPOSE AND SCOPE

The Blue Ash Police Department has established the Bicycle Patrol Unit for the purpose of enhancing patrol efforts in the community. Bicycle patrol has been shown to be an effective way to increase officer visibility in congested areas. A bicycle's quiet operation can provide a tactical approach to crimes in progress. The purpose of this policy is to provide guidelines for the safe and effective operation of the patrol bicycle.

426.2 POLICY

Patrol bicycles may be used for regular patrol duty, traffic enforcement, parking control or special events. Its mobility and visibility in the community are hallmarks of its usefulness.

Bicycles may be deployed to any area at all hours of the day or night, according to Department needs and as staffing levels allow.

Requests for specific deployment of bicycle patrol officers shall be coordinated through the Bicycle Patrol Unit supervisor or the Shift OIC.

426.3 SELECTION OF PERSONNEL

Interested sworn personnel, who are off probation, can apply for the bike patrol when an assignment availability is posted. A copy will be forwarded to the Bicycle Patrol Unit supervisor. Qualified applicants will then be invited to an oral interview. The oral board will consist of the Bicycle Patrol Unit supervisor and two other bike patrol officers selected by the Bicycle Patrol Unit supervisor. Interested personnel shall be evaluated by the following criteria:

- (a) Recognized competence and ability as evidenced by performance.
- (b) Special skills or training as they pertain to the assignment.
- (c) Good physical condition.
- (d) Willingness to perform duties using the bicycle as a mode of transportation.

426.3.1 BICYCLE PATROL UNIT SUPERVISOR

The Bicycle Patrol Unit supervisor will be selected by the Operations Bureau Commander.

The Bicycle Patrol Unit supervisor shall have responsibility for the following:

- (a) Organizing bicycle patrol training.
- (b) Inspecting and maintaining inventory of patrol bicycles and program equipment.
- (c) Scheduling maintenance and repairs.
- (d) Evaluating the performance of bicycle officers.
- (e) Coordinating activities with the Operations Bureau.
- (f) Other activities as required to maintain the efficient operation of the unit.

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426.4 TRAINING

Participants in the program must complete an initial Department-approved bicycle-training course after acceptance into the program. Thereafter, bicycle patrol officers should receive yearly in-service training to improve skills and refresh safety, health and operational procedures. The initial training shall minimally include the following:

- Bicycle patrol strategies
- Bicycle safety and accident prevention
- Operational tactics using bicycles

426.5 UNIFORMS AND EQUIPMENT

Officers shall wear the Department-approved uniform and safety equipment while operating the department bicycle. Safety equipment includes department-approved helmet, riding gloves, protective eyewear and approved footwear.

The bicycle patrol unit uniform consists of the standard short-sleeve uniform shirt or other department-approved shirt with department badge and patches, and department-approved bicycle patrol pants or shorts.

Optional equipment includes a radio headset and microphone, and jackets in colder weather. Turtleneck shirts or sweaters are permitted when worn under the uniform shirt.

Bicycle patrol officers shall carry the same equipment on the bicycle patrol duty belt as they would on a regular patrol assignment.

Officers will be responsible for obtaining the necessary forms, citation books and other department equipment needed while on bicycle patrol.

426.6 CARE AND USE OF PATROL BICYCLES

Officers will be assigned a specially marked and equipped patrol bicycle.

Bicycles utilized for uniformed bicycle patrol shall be primarily black or white with a "Police" decal affixed to each side of the crossbar or the bike's saddlebag. Every such bicycle shall be equipped with front and rear reflectors, front and rear lamps and a siren/horn. Lamps and reflectors must meet legal requirements.

Bicycles utilized for uniformed bicycle patrol shall be equipped with a rear rack and/or saddle bags sufficient to carry the necessary equipment for handling routine patrol calls, including report writing and citations.

Bicycle officers shall conduct an inspection of the bicycle and equipment prior to use to ensure proper working order of the equipment. Officers are responsible for the routine care and maintenance of their assigned equipment (e.g., tire pressure, chain lubrication, overall cleaning).

If a needed repair is beyond the ability of the bicycle officer, a repair work order will be completed and forwarded to the program supervisor for repair by an approved technician.

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Officers shall not modify the patrol bicycle, remove, modify or add components except with the express approval of the bicycle supervisor or in the event of an emergency.

Vehicle bicycle racks are available should the officer need to transport the patrol bicycle. Due to possible component damage, transportation of the patrol bicycle in a truck or on a patrol car push bumper is discouraged. Bicycle racks should be removed and stored at the end of each shift unless arrangements have been made with an oncoming bicycle officer to utilize the patrol car.

Bicycles shall be properly secured when not in the officer's immediate presence.

426.7 OFFICER RESPONSIBILITIES

Officers should operate the bicycle in compliance with Ohio law unless their duties require otherwise. Officers may operate the bicycle without lighting equipment during hours of darkness only when it reasonably appears necessary for officer safety and tactical considerations. Officers must use caution and care when operating the bicycle without lighting equipment or in violation of routine rules of the road.

Segway Patrol

427.1 PURPOSE

To provide guidelines and instructions for the safe and effective deployment of the BAPD Segway i2 Patrollers.

427.2 POLICY

The Segways will fall under the direction of the Bike Patrol Supervisor. Similar to the bike patrol unit, the Segways will facilitate contact between officers and the community.

Segways will only be operated by department trained personnel. Training will include the viewing of the Segway safety DVD, familiarizing oneself with the components of the Segway and the InfoKey wireless controller, time spent with a Segway trainer actually operating the unit and becoming acclimated to warnings (stick shake, speed limiter, and safety shutdown). Officers should also be familiar with the various lights on the Segway and what they indicate. Officers should also be familiar with the various warnings and information displayed by the InfoKey wireless controller. This is crucial for safe operation of the device. A copy of the Segway Coach's Manual is available on the "Z" drive in the folder named Segway documents.

427.3 DEPLOYMENT

Segway operators may wear the uniform of the day, or special event or bike uniform (if applicable). A helmet **MUST** be worn by operators and eye protection is strongly encouraged. There are extra helmets hanging in the garage available for officers to use for Segway patrol.

- (a) The Segway units can be deployed directly from the PD or placed in the city pickup truck and transported to a central location in an officer's assigned beat and then deployed. Only two Segways should be transported at a time.
- (b) Although Segways are equipped with flashing red and blue lights, the units should not be used for traffic stops, vehicle pursuits, blocking roadways, or other emergency vehicle operations.
- (c) The range of the Segway on a full battery charge is approximately 6-8 hours or 24 miles. Higher payloads, steep slopes, tire pressure, riding style, bumpy surfaces, higher speeds and abrupt maneuvers all affect the range of the Segway.

427.4 WEATHER

A common sense approach should be used toward riding in extreme weather conditions, which would pose an obvious threat to an officer's physical health. (i.e., extreme cold or heat, extreme humidity).

427.4.1 RESTRICTIONS

Officers will return to their patrol vehicle when the following conditions exist:

- (a) Thunderstorm or active lightning in the area
- (b) Severe weather warnings (tornado, thunderstorm)

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- (c) Snow and/or ice covered streets or sidewalks
- (d) If the shift OIC determines that service demands are high and coverage needs are present.

427.5 PRISONERS

When an arrest is made in the field by a Segway officer the following guidelines should be used. Circumstances of the arrest may cause a change in these guidelines (i.e. recite in the field, MM arrests on NTA's):

- (a) Secure the prisoner in the field
- (b) Call for necessary backup
- (c) Arrange for transport
- (d) Ensure the Segway is transported or secured appropriately
- (e) The Segway officer is responsible for processing the prisoner unless a supervisor advises otherwise.

427.6 SECURITY OF SEGWAYS

Officers will secure the Segways whenever they are away from them. If possible, officers should also charge the Segways if they will be idle for a period of time. The Segway is secured by pressing the lock button on the InfoKey wireless controller. Officers must take the InfoKey controller with them when leaving the Segway unattended.

427.7 MAINTENANCE AND CARE

With proper care and attention, the Segways should provide officers of an effective patrol tool for an extended period of time. It will be the responsibility of each individual Segway operator to contribute to the care and maintenance of the units. The following guidelines should be observed.

- (a) Prior to operating the device, wipe the Segway down with a dry rag. Avoid spraying the unit directly with water from a pressure washer or hose. Damage could result to the unit's electronic components and internal bearings. If water is needed for cleaning, use a damp cloth.
- (b) Prior to each ride, ensure there are no loose components and the tires are well maintained. Ideal Segway tire pressure is 15 PSI.
- (c) The Segway i2 Patroller weighs about 105 pounds. Officers should exercise caution or ask for assistance if they need to lift the unit.
- (d) At the completion of each shift, officers should ensure the Segways are plugged in and charging. Vertical flashing green lights at the base of the unit, near the mats, will indicate the unit is charging.

427.7.1 BIKE PATROL SUPERVISOR RESPONSIBILITIES

A monthly inspection of the Segways and their accessories will be completed by the Bike Patrol supervisor. That supervisor will also maintain a file on each Segway that will contain the following information:

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- (a) City and manufacturer serial numbers
- (b) Description of the units and accessories
- (c) All repair records, invoices, damage reports, and purchase orders
- (d) Maintenance records.

Foot Pursuits

428.1 PURPOSE AND SCOPE

This policy provides guidelines to assist officers in making the decision to initiate or continue the pursuit of suspects on foot.

428.2 DECISION TO PURSUE

The safety of department members and the public should be the primary consideration when determining whether a foot pursuit should be initiated or continued. Officers must be mindful that immediate apprehension of a suspect is rarely more important than the safety of the public and department members.

Officers may be justified in initiating a foot pursuit of any individual that the officer reasonably believes is about to engage in, is engaging in or has engaged in criminal activity. The decision to initiate or continue such a foot pursuit, however, must be continuously reevaluated in light of the circumstances presented at the time.

Mere flight by a person who is not suspected of criminal activity alone shall not serve as justification for engaging in an extended foot pursuit without the development of reasonable suspicion regarding the individual's involvement in criminal activity or being wanted by law enforcement.

Deciding to initiate or continue a foot pursuit is a decision that an officer must make quickly and under unpredictable and dynamic circumstances. It is recognized that foot pursuits potentially place Department personnel and the public at significant risk. Therefore, no officer or supervisor shall be criticized or disciplined for deciding not to engage in a foot pursuit because of the perceived risk involved.

If circumstances reasonably permit, surveillance and containment are generally the safest tactics for apprehending fleeing persons. In deciding whether to initiate or continue a foot pursuit, an officer should continuously consider reasonable alternatives to pursuit based upon the circumstances and resources available, such as the following:

- (a) Containment of the area.
- (b) Saturation of the area with law enforcement personnel, including assistance from other agencies.
- (c) A canine search.
- (d) Thermal imaging or other sensing technology.
- (e) Air support.
- (f) Apprehension at another time, when the identity of the suspect is known or there is information available that would likely allow for later apprehension, and the need to immediately apprehend the suspect does not reasonably appear to outweigh the risk of continuing the pursuit.

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428.3 GENERAL GUIDELINES

Unless the officer reasonably believes that exigent circumstances exist (e.g. a serious threat to the safety of personnel or members of the public), officers should consider alternatives to engaging in or continuing a foot pursuit under the following conditions:

- (a) Directed by a supervisor to terminate the foot pursuit, such an order shall be considered mandatory.
- (b) The officer is acting alone.
- (c) Two or more officers become separated, lose visual contact with one another or obstacles separate them to the degree that they cannot immediately assist each other should a confrontation take place. In such circumstances, it is generally recommended that a single officer keep the suspect in sight from a safe distance and coordinate the containment effort.
- (d) The officer is unsure of his/her location and direction of travel.
- (e) The officer is pursuing multiple suspects and it is not reasonable to believe that the officer would be able to control the suspect should a confrontation occur.
- (f) The physical condition of the officers renders them incapable of controlling the suspect if apprehended.
- (g) The officer loses radio contact with Dispatch or with backup officers.
- (h) The suspect enters a building, structure, confined space or a wooded or otherwise isolated area and there are insufficient officers to provide backup and containment. The primary officer should consider discontinuing the pursuit and coordinating containment pending the arrival of sufficient officers.
- (i) The officer becomes aware of unanticipated or unforeseen circumstances that unreasonably increase the risk to officers or the public.
- (j) The officer reasonably believes that the danger to the pursuing officers or public outweighs the objective of immediate apprehension.
- (k) The officer loses possession of his/her firearm or other essential equipment.
- (l) The officer or a third party is injured during the pursuit, requiring immediate assistance and there are no other emergency personnel available to render assistance.
- (m) The suspect's location is no longer known.
- (n) The identity of the suspect is established or other information exists that will allow for the suspect's apprehension at a later time, and it reasonably appears that there is no immediate threat to Department personnel or the public if the suspect is not immediately apprehended.
- (o) The officer's ability to safely continue the pursuit is impaired by inclement weather, darkness or other conditions.

428.4 RESPONSIBILITIES IN FOOT PURSUITS

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428.4.1 INITIATING OFFICER RESPONSIBILITIES

Unless relieved by another officer or a supervisor, the initiating officer shall be responsible for coordinating the progress of the pursuit. When acting alone and when practicable, the initiating officer should not attempt to overtake and confront the suspect but should attempt to keep the suspect in sight until sufficient officers are present to safely apprehend the suspect.

Early communication of available information from the involved officers is essential so that adequate resources can be coordinated and deployed to bring a foot pursuit to a safe conclusion. Officers initiating a foot pursuit should broadcast the following information as soon as it becomes practicable and available:

- (a) Unit identifier.
- (b) Location and direction of travel.
- (c) Reason for the foot pursuit, such as the crime classification
- (d) Number of suspects and description, to include name if known
- (e) Whether the suspect is known or believed to be armed with a dangerous weapon

Officers should be mindful that radio transmissions made while running may be difficult to understand and may need to be repeated.

Absent extenuating circumstances, any officer unable to promptly and effectively broadcast this information should terminate the pursuit. If the foot pursuit is discontinued for any reason, immediate efforts for containment should be implemented and alternatives considered based upon the circumstances and available resources.

When a foot pursuit terminates, the officer will notify Dispatch of his/her location and the status of the pursuit termination (e.g., suspect in custody, lost sight of suspect), and will direct further actions as reasonably appear necessary.

428.4.2 ASSISTING OFFICER RESPONSIBILITIES

Whenever any officer announces that he/she is engaged in a foot pursuit, all other officers should minimize nonessential radio traffic to permit the involved officers maximum access to the radio frequency.

428.4.3 SUPERVISOR RESPONSIBILITIES

Upon becoming aware of a foot pursuit, the supervisor shall make every reasonable effort to ascertain sufficient information to direct responding resources and to take command, control and coordination of the foot pursuit. The supervisor should respond to the area whenever reasonably possible. The supervisor does not, however, need to be physically present to exercise control over the pursuit. The supervisor should continuously assess the situation in order to ensure the foot pursuit is conducted within established Department guidelines.

The supervisor should terminate the foot pursuit when the danger to pursuing officers or the public appears to unreasonably outweigh the objective of immediate apprehension of the suspect.

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Upon apprehension of the suspect, the supervisor should promptly proceed to the termination point to direct the post-pursuit activity.

428.4.4 DISPATCH RESPONSIBILITIES

Upon notification or becoming aware that a foot pursuit is in progress, the dispatcher is responsible for:

- (a) Clearing the radio channel of non-emergency traffic.
- (b) Coordinating pursuit communications of the involved officers.
- (c) Broadcasting pursuit updates as well as other pertinent information as necessary.
- (d) Ensuring that a field supervisor is notified of the pursuit.
- (e) Notifying and coordinating with other involved or affected agencies as practicable.
- (f) Notifying the Shift OIC as soon as practicable.
- (g) Assigning an incident number and logging all pursuit activities.

428.5 REPORTING REQUIREMENTS

The initiating officer shall complete appropriate crime/arrest reports documenting, at a minimum:

- (a) Date and time of the foot pursuit.
- (b) Initial reason and circumstances surrounding the foot pursuit.
- (c) Course and approximate distance of the foot pursuit.
- (d) Alleged offenses.
- (e) Involved vehicles and officers.
- (f) Whether a suspect was apprehended as well as the means and methods used.
 - 1. Any use of force shall be reported and documented in compliance with the Use of Force Policy.
- (g) Arrestee information, if applicable.
- (h) Any injuries and/or medical treatment.
- (i) Any property or equipment damage.
- (j) Name of the supervisor at the scene or who handled the incident.

Assisting officers taking an active role in the apprehension of the suspect shall complete supplemental reports as necessary or as directed.

The supervisor reviewing the report will make a preliminary determination that the pursuit appears to be in compliance with this policy or that additional review and/or follow-up is warranted.

In any case in which a suspect is not apprehended and there is insufficient information to support further investigation, a supervisor may authorize that the initiating officer need not complete a formal report.

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428.6 POLICY

It is the policy of this department that officers, when deciding to initiate or continue a foot pursuit, continuously balance the objective of apprehending the suspect with the risk and potential for injury to department members, the public or the suspect.

Officers are expected to act reasonably, based on the totality of the circumstances.

Automated License Plate Readers (ALPR)

429.1 PURPOSE AND SCOPE

Automated License Plate Reader (ALPR) technology, also known as License Plate Recognition, provides automated detection of license plates. ALPRs are used by the Blue Ash Police Department to convert data associated with vehicle license plates for official law enforcement purposes, including identifying stolen or wanted vehicles, stolen license plates and missing persons. The ALPR may also be used to gather information related to active warrants, homeland security, electronic surveillance, suspect interdiction and stolen property recovery.

429.2 ADMINISTRATION OF ALPR DATA

All installation and maintenance of ALPR equipment, as well as ALPR data retention and access, shall be managed by the Administration Bureau Commander. The Shift OIC will assign personnel under his/her command to administer the day-to-day operation of the ALPR equipment and data.

429.3 ALPR OPERATION

Use of an ALPR is restricted to the purposes outlined below. Department personnel shall not use, or allow others to use, the equipment or database records for any unauthorized purpose.

- (a) An ALPR shall only be used for official and legitimate law enforcement business.
- (b) An ALPR may be used in conjunction with any patrol operation or official Department investigation. Reasonable suspicion or probable cause is not necessary before using ALPR.
- (c) While an ALPR may be used to canvass license plates around any crime scene, particular consideration should be given to using ALPR-equipped cars to canvass areas around homicides, shootings and other major incidents. Partial license plates reported during major crimes should be entered into the ALPR system in an attempt to identify suspect vehicles.
- (d) No member of this department shall operate ALPR equipment or access ALPR data without first completing department-approved training.
- (e) If practicable, the officer should verify an ALPR response through RCIC/LEADS/NCIC before taking enforcement action that is based solely upon an ALPR alert.

429.4 ALPR DATA COLLECTION AND RETENTION

All data and images gathered by an ALPR are for the official use of the Blue Ash Police Department. Because such data may contain confidential information LEADS data is not open to public review. ALPR information gathered and retained by this department may be used and shared with prosecutors or others only as permitted by law.

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Automated License Plate Readers (ALPR)

429.5 ACCOUNTABILITY AND SAFEGUARDS

All saved data will be closely safeguarded and protected by both procedural and technological means. The Blue Ash Police Department will observe the following safeguards regarding access to and use of stored data:

- (a) All non-law enforcement requests for access to stored ALPR data shall be referred to the Regional LPR team at the Hamilton County Emergency Management Agency.
- (b) All ALPR data downloaded to the mobile workstation and server shall be accessible only through a login/password-protected system capable of documenting all access of information by name, date and time.
- (c) Persons approved to access ALPR data under these guidelines are permitted to access the data for legitimate law enforcement purposes only, such as when the data relate to a specific criminal investigation or department-related civil or administrative action.
- (d) Such ALPR data may be released to other authorized and verified law enforcement officials and agencies at any time for legitimate law enforcement purposes.

Homeless Persons

430.1 PURPOSE AND SCOPE

The purpose of this policy is to ensure that personnel understand the needs and rights of the homeless and to establish procedures to guide officers during all contacts with the homeless, whether consensual or for enforcement purposes. The Blue Ash Police Department recognizes that members of the homeless community are often in need of special protection and services. The Blue Ash Police Department will address these needs in balance with the overall mission of this department. Therefore, officers will consider the following policy when serving the homeless community.

430.1.1 POLICY

It is the policy of the Blue Ash Police Department to provide law enforcement services to all members of the community while protecting the rights, dignity and private property of the homeless. Homelessness is not a crime and members of this department will not use homelessness solely as a basis for detention or law enforcement action.

430.2 FIELD CONTACTS

Officers are encouraged to contact the homeless for purposes of rendering aid, support and for community-oriented policing purposes. Nothing in this policy is meant to dissuade an officer from taking reasonable enforcement action when facts support a reasonable suspicion of criminal activity. However, when encountering a homeless person who has committed a nonviolent misdemeanor and continued freedom is not likely to result in a continuation of the offense or a breach of the peace, officers are encouraged to consider long-term solutions to problems that may relate to the homeless, such as shelter referrals and counseling in lieu of physical arrest.

Officers should provide homeless persons with resource and assistance information whenever it is reasonably apparent such services may be appropriate.

430.2.1 OTHER CONSIDERATIONS

Homeless members of the community will receive the same level and quality of service provided to other members of our community. The fact that a victim or witness is homeless can, however, require special considerations for a successful investigation and prosecution. Officers should consider the following when handling investigations involving homeless victims, witnesses or suspects:

- (a) Document alternate contact information. This may include obtaining addresses and telephone numbers of relatives and friends.
- (b) Document places the homeless person may frequent.
- (c) Provide homeless victims with victim/witness resources when appropriate.
- (d) Obtain statements from all available witnesses in the event a homeless victim is unavailable for a court appearance.

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- (e) Consider whether the person may be a dependent adult or elder and if so proceed in accordance with the Vulnerable Adult Abuse Policy.
- (f) Arrange for transportation for investigation-related matters, such as medical exams and court appearances.
- (g) Consider whether a crime should be reported and submitted for prosecution even when a homeless victim indicates he/she does not desire prosecution.

430.3 PERSONAL PROPERTY

The personal property of homeless persons must not be treated differently than the property of other members of the public. Officers should use reasonable care when handling, collecting and retaining the personal property of homeless persons and should not destroy or discard the personal property of a homeless person.

When a homeless person is arrested or otherwise removed from a public place, officers should make reasonable accommodations to permit the person to lawfully secure his/her personal property. Otherwise, the arrestee's personal property may be collected for safekeeping, if the arrestee's personal property can reasonably be collected and transported by the officer. A supervisor should be notified if the arrestee's property can not be secured.

Officers should not conduct or assist in clean-up operations of belongings that reasonably appear to be the property of homeless persons without the prior authorization of a supervisor. When practicable, requests by the public for clean-up operations of a homeless encampment should be referred to the Shift OIC. Officers who encounter unattended encampments, bedding or other personal property in public areas that reasonably appears to belong to a homeless person should not remove or destroy such property and should inform the Shift OIC, if such property appears to involve a trespass, blight to the community or is the subject of a complaint.

430.4 MENTAL ILLNESSES AND MENTAL IMPAIRMENTS

Some homeless persons may suffer from a mental illness or a mental impairment. Officers shall not detain a homeless person for an emergency admission to a mental health facility unless facts and circumstances warrant such a detention.

When a mental illness hold is not warranted, the contacting officer should provide the homeless person with contact information for mental health assistance as appropriate. In these circumstances, officers may provide transportation to a mental health specialist if requested by the person and approved by a supervisor.

430.5 ECOLOGICAL ISSUES

Sometimes homeless encampments can affect the ecology and natural resources of the community and may involve criminal offenses beyond mere littering. Officers are encouraged to notify other appropriate agencies or departments when a significant impact to the environment has or is likely to occur. Significant impacts to the environment may warrant a crime report, investigation, supporting photographs and supervisor notification.

Public Recording of Law Enforcement Activity

431.1 PURPOSE AND SCOPE

This policy provides guidelines for handling situations in which members of the public photograph or audio/video record law enforcement actions and other public activities that involve members of this department. In addition, this policy provides guidelines for situations where the recordings may be evidence.

431.2 POLICY

The Blue Ash Police Department recognizes the right of persons to lawfully record members of this department who are performing their official duties. Members of this department will not prohibit or intentionally interfere with such lawful recordings. Any recordings that are deemed to be evidence of a crime or relevant to an investigation will only be collected or seized lawfully.

Officers should exercise restraint and should not resort to highly discretionary arrests for offenses such as interference, failure to comply or disorderly conduct as a means of preventing someone from exercising the right to record members performing their official duties.

431.3 RECORDING LAW ENFORCEMENT ACTIVITY

Members of the public who wish to record law enforcement activities are limited only in certain aspects.

- (a) Recordings may be made from any public place or any private property where the individual has the legal right to be present.
- (b) Beyond the act of photographing or recording, individuals may not interfere with the law enforcement activity. Examples of interference include, but are not limited to:
 - 1. Tampering with a witness or suspect.
 - 2. Inciting others to violate the law.
 - 3. Being so close to the activity as to present a clear safety hazard to the officers.
 - 4. Being so close to the activity as to interfere with an officer's effective communication with a suspect or witness.
- (c) The individual may not present an undue safety risk to the officers, him/herself or others.

431.4 OFFICER RESPONSE

Officers should promptly request that a supervisor respond to the scene whenever it appears that anyone recording activities may be interfering with an investigation or it is believed that the recording may be evidence. If practicable, officers should wait for the supervisor to arrive before taking enforcement action or seizing any cameras or recording media.

Whenever practicable, officers or supervisors should give clear and concise warnings to individuals who are conducting themselves in a manner that would cause their recording or behavior to be unlawful. Accompanying the warnings should be clear directions on what an

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individual can do to be compliant; directions should be specific enough to allow compliance. For example, rather than directing an individual to clear the area, an officer could advise the person that he/she may continue observing and recording from the sidewalk across the street.

If an arrest or other significant enforcement activity is taken as the result of a recording that interferes with law enforcement activity, officers shall document in a report the nature and extent of the interference or other unlawful behavior and the warnings that were issued.

431.5 SUPERVISOR RESPONSIBILITIES

A supervisor should respond to the scene when requested or any time the circumstances indicate a likelihood of interference or other unlawful behavior.

The supervisor should review the situation with the officer and:

- (a) Request any additional assistance as needed to ensure a safe environment.
- (b) Take a lead role in communicating with individuals who are observing or recording regarding any appropriate limitations on their location or behavior. When practical, the encounter should be recorded.
- (c) When practicable, allow adequate time for individuals to respond to requests for a change of location or behavior.
- (d) Ensure that any enforcement, seizure or other actions are consistent with this policy and constitutional and state law.
- (e) Explain alternatives for individuals who wish to express concern about the conduct of Department members, such as how and where to file a complaint.

431.6 SEIZING RECORDINGS AS EVIDENCE

Officers should not seize recording devices or media unless (42 USC § 2000aa):

- (a) There is probable cause to believe the person recording has committed or is committing a crime to which the recording relates, and the recording is reasonably necessary for prosecution of the person.
 - 1. Absent exigency or consent, a warrant should be sought before seizing or viewing such recordings. Reasonable steps may be taken to prevent erasure of the recording.
- (b) There is reason to believe that the immediate seizure of such recordings is necessary to prevent serious bodily injury or death of any person.
- (c) The person consents.
 - 1. To ensure that the consent is voluntary, the request should not be made in a threatening or coercive manner.
 - 2. If the original recording is provided, a copy of the recording should be provided to the recording party, if practicable. The recording party should be permitted to be present while the copy is being made, if feasible. Another way to obtain the evidence is to transmit a copy of the recording from a device to a department-owned device.

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Recording devices and media that are seized will be submitted within the guidelines of the Property and Evidence Policy.

First Amendment Assemblies

432.1 PURPOSE AND SCOPE

This policy provides guidance for responding to public assemblies or demonstrations.

432.2 POLICY

The Blue Ash Police Department respects the rights of people to peaceably assemble. It is the policy of this department not to unreasonably interfere with, harass, intimidate or discriminate against persons engaged in the lawful exercise of their rights, while also preserving the peace, protecting life and preventing the destruction of property.

432.3 GENERAL CONSIDERATIONS

Individuals or groups present on the public way, such as public facilities, streets or walkways, generally have the right to assemble, rally, demonstrate, protest or otherwise express their views and opinions through varying forms of communication, including the distribution of printed matter. These rights may be limited by laws or ordinances regulating such matters as the obstruction of individual or vehicle access or egress, trespass, noise, picketing, distribution of handbills and leafleting, and loitering. However, officers shall not take action or fail to take action based on the opinions being expressed.

Participant behavior during a demonstration or other public assembly can vary. This may include, but is not limited to:

- Lawful, constitutionally protected actions and speech.
- Civil disobedience (typically involving minor criminal acts).
- Rioting.

All of these behaviors may be present during the same event. Therefore, it is imperative that law enforcement actions are measured and appropriate for the behaviors officers may encounter. This is particularly critical if force is being used. Adaptable strategies and tactics are essential. The purpose of a law enforcement presence at the scene of public assemblies and demonstrations should be to preserve the peace, to protect life and prevent the destruction of property.

Officers should not:

- (a) Engage in assembly or demonstration-related discussion with participants.
- (b) Harass, confront or intimidate participants.
- (c) Seize the cameras, cell phones or materials of participants or observers unless an officer is placing a person under lawful arrest.

Supervisors should continually observe department members under their commands to ensure that members' interaction with participants and their response to crowd dynamics is appropriate.

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432.3.1 PHOTOGRAPHS AND VIDEO RECORDINGS

Photographs and video recording, when appropriate, can serve a number of purposes, including support of criminal prosecutions by documenting criminal acts; assistance in evaluating department performance; serving as training material; recording the use of dispersal orders; and facilitating a response to allegations of improper law enforcement conduct.

Photographs and videos will not be used or retained for the sole purpose of collecting or maintaining information about the political, religious or social views of associations, or the activities of any individual, group, association, organization, corporation, business or partnership, unless such information directly relates to an investigation of criminal activities and there is reasonable suspicion that the subject of the information is involved in criminal conduct.

432.4 UNPLANNED EVENTS

When responding to an unplanned or spontaneous public gathering, the first responding officer should conduct an assessment of conditions, including, but not limited to, the following:

- Location
- Number of participants
- Apparent purpose of the event
- Leadership (whether it is apparent and/or whether it is effective)
- Any initial indicators of unlawful or disruptive activity
- Indicators that lawful use of public facilities, streets or walkways will be impacted
- Ability and/or need to continue monitoring the incident

Initial assessment information should be promptly communicated to Dispatch, and the assignment of a supervisor should be requested. Additional resources should be requested as appropriate. The responding supervisor shall assume command of the incident until command is expressly assumed by another, and the assumption of command is communicated to the involved members. A clearly defined command structure that is consistent with the Incident Command System (ICS) should be established as resources are deployed.

432.5 PLANNED EVENT PREPARATION

For planned events, comprehensive, incident-specific operational plans should be developed. The ICS should be considered for such events.

432.5.1 INFORMATION GATHERING AND ASSESSMENT

In order to properly assess the potential impact of a public assembly or demonstration on public safety and order, relevant information should be collected and vetted. This may include:

- Information obtained from outreach to group organizers or leaders.
- Information about past and potential unlawful conduct associated with the event or similar events.

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- The potential time, duration, scope, and type of planned activities.
- Any other information related to the goal of providing a balanced response to criminal activity and the protection of public safety interests.

Information should be obtained in a transparent manner, and the sources documented. Relevant information should be communicated to the appropriate parties in a timely manner.

Information will be obtained in a lawful manner and will not be based solely on the purpose or content of the assembly or demonstration, or actual or perceived characteristics such as race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, economic status, age, cultural group, or disability of the participants (or any other characteristic that is unrelated to criminal conduct or the identification of a criminal subject).

432.5.2 OPERATIONAL PLANS

An operational planning team with responsibility for event planning and management should be established. The planning team should develop an operational plan for the event.

The operational plan will minimally provide for:

- (a) Command assignments, chain of command structure, roles and responsibilities.
- (b) Staffing and resource allocation.
- (c) Management of criminal investigations.
- (d) Designation of uniform of the day and related safety equipment (e.g., helmets, shields).
- (e) Deployment of specialized resources.
- (f) Event communications and interoperability in a multijurisdictional event.
- (g) Liaison with demonstration leaders and external agencies.
- (h) Liaison with City government and legal staff.
- (i) Media relations.
- (j) Logistics: food, fuel, replacement equipment, duty hours, relief and transportation.
- (k) Traffic management plans.
- (l) First aid and emergency medical service provider availability.
- (m) Prisoner transport and detention.
- (n) Review of policies regarding public assemblies and use of force in crowd control.
- (o) Parameters for declaring an unlawful assembly.
- (p) Arrest protocol, including management of mass arrests.
- (q) Protocol for recording information flow and decisions.
- (r) Rules of engagement, including rules of conduct, protocols for field force extraction and arrests, and any authorization required for the use of force.
- (s) Protocol for handling complaints during the event.

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- (t) Parameters for the use of body-worn cameras and other portable recording devices.

432.5.3 MUTUAL AID AND EXTERNAL RESOURCES

The magnitude and anticipated duration of an event may necessitate interagency cooperation and coordination. The assigned Incident Commander should ensure that any required memorandums of understanding or other agreements are properly executed, and that any anticipated mutual aid is requested and facilitated (see the Outside Agency Assistance Policy).

432.6 UNLAWFUL ASSEMBLY DISPERSAL ORDERS

If a public gathering or demonstration remains peaceful and nonviolent, and there is no reasonably imminent threat to persons or property, the Incident Commander should generally authorize continued monitoring of the event.

Should the Incident Commander make a determination that public safety is presently or is about to be jeopardized, he/she or the authorized designee should attempt to verbally persuade event organizers or participants to disperse of their own accord. Warnings and advisements may be communicated through established communications links with leaders and/or participants or to the group.

When initial attempts at verbal persuasion are unsuccessful, the Incident Commander or the authorized designee should make a clear standardized announcement to the gathering that the event is an unlawful assembly, and should order the dispersal of the participants. The announcement should be communicated by whatever methods are reasonably available to ensure that the content of the message is clear and that it has been heard by the participants. The announcement should be amplified, made in different languages as appropriate, made from multiple locations in the affected area and documented by audio and video. The announcement should provide information about what law enforcement actions will take place if illegal behavior continues and should identify routes for egress. A reasonable time to disperse should be allowed following a dispersal order.

432.7 USE OF FORCE

Use of force is governed by current department policy and applicable law (see the Use of Force, Handcuffing and Restraints, Control Devices and Techniques, and Conducted Energy Device policies).

Individuals refusing to comply with lawful orders (e.g., nonviolent refusal to disperse) should be given a clear verbal warning and a reasonable opportunity to comply. If an individual refuses to comply with lawful orders, the Incident Commander shall evaluate the type of resistance and adopt a reasonable response in order to accomplish the law enforcement mission (such as dispersal or arrest of those acting in violation of the law). Control devices and conducted energy devices should be considered only when the participants' conduct reasonably appears to present the potential to harm officers, themselves or others, or will result in substantial property loss or damage (see the Control Devices and Techniques and the Conducted Energy Device policies).

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Force or control devices, including oleoresin capsaicin (OC), should be directed toward individuals and not toward groups or crowds, unless specific individuals cannot reasonably be targeted due to extreme circumstances, such as a riotous crowd.

Any use of force by a member of this department shall be documented promptly, completely, and accurately in an appropriate report. The type of report required may depend on the nature of the incident.

432.8 ARRESTS

The Blue Ash Police Department should respond to unlawful behavior in a manner that is consistent with the operational plan. If practicable, warnings or advisements should be communicated prior to arrest.

Mass arrests should be employed only when alternate tactics and strategies have been, or reasonably appear likely to be, unsuccessful. Mass arrests shall only be undertaken upon the order of the Incident Commander or the authorized designee. There must be probable cause for each arrest.

If employed, mass arrest protocols should fully integrate:

- (a) Reasonable measures to address the safety of officers and arrestees.
- (b) Dedicated arrest, booking and report writing teams.
- (c) Timely access to medical care.
- (d) Timely access to legal resources.
- (e) Timely processing of arrestees.
- (f) Full accountability for arrestees and evidence.
- (g) Coordination and cooperation with the prosecuting authority, jail and courts (see the Citation Releases Policy).

432.9 MEDIA RELATIONS

The Public Information Officer should use all available avenues of communication, including press releases, briefings, press conferences and social media to maintain open channels of communication with media representatives and the public about the status and progress of the event, taking all opportunities to reassure the public about the professional management of the event (see the Media Relations Policy).

432.10 DEMOBILIZATION

When appropriate, the Incident Commander or the authorized designee should implement a phased and orderly withdrawal of law enforcement resources. All relieved personnel should promptly complete any required reports, including use of force reports, and account for all issued equipment and vehicles to their supervisors prior to returning to normal operational duties.

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432.11 POST EVENT

The Incident Commander should designate a member to assemble full documentation of the event, to include the following:

- (a) Operational plan
- (b) Any incident logs
- (c) Any assignment logs
- (d) Vehicle, fuel, equipment and supply records
- (e) Incident, arrest, use of force, injury and property damage reports
- (f) Photographs, audio/video recordings, Dispatch records/tapes
- (g) Media accounts (print and broadcast media)

432.11.1 AFTER-ACTION REPORTING

The Incident Commander should work with City legal counsel, as appropriate, to prepare a comprehensive after-action report of the event, explaining all incidents where force was used including the following:

- (a) Date, time and description of the event
- (b) Actions taken and outcomes (e.g., injuries, property damage, arrests)
- (c) Problems identified
- (d) Significant events
- (e) Recommendations for improvement; opportunities for training should be documented in a generic manner, without identifying individuals or specific incidents, facts or circumstances.

432.12 TRAINING

Department members should receive periodic training regarding this policy, as well as the dynamics of crowd control and incident management. The Department should, when practicable, train with its external and mutual aid partners.

Civil Disputes

433.1 PURPOSE AND SCOPE

This policy provides members of the Blue Ash Police Department with guidance for addressing conflicts between persons when no criminal investigation or enforcement action is warranted (e.g., civil matters), with the goal of minimizing any potential for violence or criminal acts.

The Domestic Violence Policy will address specific legal mandates related to domestic violence court orders. References in this policy to “court orders” apply to any order of a court that does not require arrest or enforcement by the terms of the order or by Ohio law.

433.2 POLICY

The Blue Ash Police Department recognizes that a law enforcement presence at a civil dispute can play an important role in the peace and safety of the community. Subject to available resources, members of this department will assist at the scene of civil disputes with the primary goal of safeguarding persons and property, preventing criminal activity and maintaining the peace. When handling civil disputes, members will remain impartial, maintain a calm presence, give consideration to all sides and refrain from giving legal or inappropriate advice.

433.3 GENERAL CONSIDERATIONS

When appropriate, members handling a civil dispute should encourage the involved parties to seek the assistance of resolution services or take the matter to the civil courts. Members must not become personally involved in disputes and shall at all times remain impartial.

While not intended to be an exhaustive list, members should give considerations to the following when handling civil disputes:

- (a) Civil disputes tend to be confrontational and members should be alert that they can escalate to violence very quickly. De-escalation techniques should be used when appropriate.
- (b) Members should not dismiss alleged or observed criminal violations as a civil matter and should initiate the appropriate investigation and report when criminal activity is apparent.
- (c) Members shall not provide legal advice, however, when appropriate, members should inform the parties when they are at risk of violating criminal laws.
- (d) Members are reminded that they shall not enter a residence or other non-public location without legal authority including valid consent.
- (e) Members should not take an unreasonable amount of time assisting in these matters and generally should contact a supervisor if it appears that peacekeeping efforts longer than 30 minutes are warranted.

433.4 COURT ORDERS

Disputes involving court orders can be complex. Where no mandate exists for an officer to make an arrest for a violation of a court order, the matter should be addressed by documenting any apparent

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court order violation in a report. If there appears to be a more immediate need for enforcement action, the investigating officer should consult a supervisor prior to making any arrest.

If a person appears to be violating the terms of a court order but is disputing the validity of the order or its applicability, the investigating officer should document the following:

- (a) The person's knowledge of the court order or whether proof of service exists.
- (b) Any specific reason or rationale the involved person offers for not complying with the terms of the order.

A copy of the court order should be attached to the report when available. The report should be forwarded to the appropriate prosecutor. The report should also be forwarded to the court issuing the order with a notice that the report was also forwarded to the prosecutor for review.

433.4.1 STANDBY REQUESTS

Officers responding to a call for standby assistance to retrieve property should meet the person requesting assistance at a neutral location to discuss the process. The person should be advised that items that are disputed will not be allowed to be removed. The member may advise the person to seek private legal advice as to the distribution of disputed property.

Members should accompany the person to the location of the property. Members should ask if the other party will allow removal of the property or whether the other party would remove the property.

If the other party is uncooperative, the person requesting standby assistance should be instructed to seek private legal advice and obtain a court order to obtain the items. Officers should not order the other party to allow entry or the removal of any items. If there is a restraining or similar order against the person requesting standby assistance, that person should be asked to leave the scene or they may be subject to arrest for violation of the order.

If the other party is not present at the location, the member will not allow entry into the location or the removal of property from the location.

433.5 VEHICLES AND PERSONAL PROPERTY

Officers may be faced with disputes regarding possession or ownership of vehicles or other personal property. Officers may review documents provided by parties or available databases (e.g., vehicle registration), but should be aware that legal possession of vehicles or personal property can be complex. Generally, officers should not take any enforcement action unless a crime is apparent. The people and the vehicle or personal property involved should be identified and the incident documented.

433.6 REAL PROPERTY

Disputes over possession or occupancy of real property (e.g., land, homes, apartments) should generally be handled through a person seeking a court order.

Suspicious Activity Reporting

434.1 PURPOSE AND SCOPE

This policy provides guidelines for reporting and investigating suspicious and criminal activity.

434.1.1 DEFINITIONS

Definitions related to this policy include:

Involved party - An individual who has been observed engaging in suspicious activity, as defined in this policy, when no definitive criminal activity can be identified, thus precluding the person's identification as a suspect.

Suspicious activity - Any reported or observed activity that a member reasonably believes may have a nexus to any criminal act or attempted criminal act, or to foreign or domestic terrorism. Actual or perceived characteristics such as race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, economic status, age, cultural group, or disability should not be considered as factors that create suspicion (although these factors may be used as specific suspect descriptions). Examples of suspicious activity may include but are not limited to:

- Suspected pre-operational surveillance or intelligence gathering (e.g., photographing security features, asking questions about sensitive security-related subjects).
- Tests of security measures and response to incidents (e.g., "dry run," creating false alarms, attempts to enter secure areas without authorization).
- Suspicious purchases (e.g., purchasing large quantities of otherwise legal items, such as fertilizer, that could be used to create an explosive or other dangerous device).
- An individual in possession of such things as a hoax explosive or dispersal device, sensitive materials (e.g., passwords, access codes, classified government information), or coded or ciphered literature or correspondence.

Suspicious Activity Report (SAR) - An incident report used to document suspicious activity.

434.2 POLICY

The Blue Ash Police Department recognizes the need to protect the public from criminal conduct and acts of terrorism and shall lawfully collect, maintain and disseminate information regarding suspicious activities, while safeguarding civil liberties and privacy protections.

434.3 RESPONSIBILITIES

The Terrorism Liaison Officer and authorized designees will manage SAR activities. Authorized designees should include all supervisors.

The responsibilities of the Terrorism Liaison Officer include, but are not limited to:

- (a) Remaining familiar with those databases available to the Department that would facilitate the purpose of this policy.

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- (b) Maintaining adequate training in the area of intelligence gathering to ensure no information is being maintained that would violate the law or civil rights of any individual.
- (c) Ensuring a process is available that would allow members to report relevant information. The process should be designed to promote efficient and quick reporting, and should not be cumbersome, duplicative or complicated.
- (d) Ensuring that members are made aware of the purpose and value of documenting information regarding suspicious activity, as well as the databases and other information resources that are available to the Department.
- (e) Ensuring that SAR information is appropriately disseminated to members in accordance with their job responsibilities.
- (f) Coordinating investigative follow-up, if appropriate.
- (g) Coordinating with any appropriate agency or fusion center.
- (h) Ensuring that, as resources are available, the Department conducts outreach that is designed to encourage members of the community to report suspicious activity and that outlines what they should look for and how they should report it (e.g., website, public service announcements).

434.4 REPORTING AND INVESTIGATION

Any department member receiving information regarding suspicious activity should take any necessary immediate and appropriate action, including a request for tactical response or immediate notification of specialized entities, when applicable. Any non-sworn member who receives such information should ensure that it is passed on to an officer in a timely manner.

If the suspicious activity is not directly related to a reportable crime, the member should prepare a SAR and include information about involved parties and the circumstances of the incident. If, during any investigation, an officer becomes aware of suspicious activity that is unrelated to the current investigation, the information should be documented separately in a SAR and not included in the original incident report. The report number of the original incident should be included in the SAR as a cross reference. A SAR should be processed as any other incident report.

Medical Aid and Response

435.1 PURPOSE AND SCOPE

This policy recognizes that members often encounter persons in need of medical aid and establishes a law enforcement response to such situations.

435.2 POLICY

It is the policy of the Blue Ash Police Department that all officers and other designated members be trained to provide emergency medical aid and to facilitate an emergency medical response.

435.3 FIRST RESPONDING MEMBER RESPONSIBILITIES

Whenever practicable, members should take appropriate steps to provide initial medical aid (e.g., first aid, CPR, use of an automated external defibrillator (AED)) in accordance with their training and current certification levels. This should be done for those in need of immediate care and only when the member can safely do so.

Prior to initiating medical aid, the member should contact Dispatch and request response by Emergency Medical Services (EMS) as the member deems appropriate.

Members should follow universal precautions when providing medical aid, such as wearing gloves and avoiding contact with bodily fluids, consistent with the Communicable Diseases Policy. Members should use a barrier or bag device to perform rescue breathing.

When requesting EMS, the member should provide Dispatch with information for relay to EMS personnel in order to enable an appropriate response, including:

- (a) The location where EMS is needed.
- (b) The nature of the incident.
- (c) Any known scene hazards.
- (d) Information on the person in need of EMS, such as:
 - 1. Signs and symptoms as observed by the member.
 - 2. Changes in apparent condition.
 - 3. Number of patients, sex and age, if known.
 - 4. Whether the person is conscious, breathing and alert, or is believed to have consumed drugs or alcohol.
 - 5. Whether the person is showing signs or symptoms of excited delirium, other agitated chaotic behavior, or is engaging in violent irrational behavior accompanied by profuse sweating, extraordinary strength beyond their physical characteristics, and imperviousness to pain.

Members should stabilize the scene whenever practicable while awaiting the arrival of EMS.

Members should not direct EMS personnel whether to transport the person for treatment.

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435.4 TRANSPORTING ILL AND INJURED PERSONS

Except in exceptional cases where alternatives are not reasonably available, members should not transport persons who are unconscious, who have serious injuries, or who may be seriously ill. EMS personnel should be called to handle patient transportation.

Officers should search any person who is in custody before releasing that person to EMS for transport.

An officer should accompany any person in custody during transport in an ambulance when requested by EMS personnel, when it reasonably appears necessary to provide security, when it is necessary for investigative purposes, or when so directed by a supervisor.

Members should not provide emergency escort for medical transport or civilian vehicles.

435.5 PERSONS REFUSING EMS CARE

If a person who is not in custody refuses EMS care or refuses to be transported to a medical facility, an officer shall not force that person to receive care or be transported. However, members may assist EMS personnel when EMS personnel determine the person lacks the mental capacity to understand the consequences of refusing medical care or to make an informed decision and the lack of immediate medical attention may result in serious bodily injury or the death of the person.

In cases where mental illness may be a factor, the officer should consider proceeding with a civil commitment in accordance with the Civil Commitments Policy.

If an officer believes that a person who is in custody requires EMS care and the person refuses, he/she should encourage the person to receive medical treatment. The officer may also consider contacting a family member to help persuade the person to agree to treatment or who may be able to authorize treatment for the person.

If the person who is in custody still refuses, the officer will require the person to be transported to the nearest medical facility. In such cases, the officer should consult with a supervisor prior to the transport.

Members shall not sign refusal-for-treatment forms or forms accepting financial responsibility for treatment.

435.6 MEDICAL ATTENTION RELATED TO USE OF FORCE

Specific guidelines for medical attention for injuries sustained from a use of force may be found in the Use of Force, Handcuffing and Restraints, Control Devices and Techniques, and Conducted Energy Device policies.

435.7 AIR AMBULANCE

Generally, when on-scene, EMS personnel will be responsible for determining whether an air ambulance response should be requested. An air ambulance may be appropriate when there are victims with life-threatening injuries or who require specialized treatment (e.g., gunshot wounds, burns, obstetrical cases), and distance or other known delays will affect the EMS response.

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The Operations Bureau Commander should develop guidelines for air ambulance landings or enter into local operating agreements for the use of air ambulances, as applicable. In creating those guidelines, the Department should identify:

- Responsibility and authority for designating a landing zone and determining the size of the landing zone.
- Responsibility for securing the area and maintaining that security once the landing zone is identified.
- Consideration of the air ambulance provider's minimum standards for proximity to vertical obstructions and surface composition (e.g., dirt, gravel, pavement, concrete, grass).
- Consideration of the air ambulance provider's minimum standards for horizontal clearance from structures, fences, power poles, antennas or roadways.
- Responsibility for notifying the appropriate highway or transportation agencies if a roadway is selected as a landing zone.
- Procedures for ground personnel to communicate with flight personnel during the operation.

One department member at the scene should be designated as the air ambulance communications contact. Headlights, spotlights and flashlights should not be aimed upward at the air ambulance. Members should direct vehicle and pedestrian traffic away from the landing zone.

Members should follow these cautions when near an air ambulance:

- Never approach the aircraft until signaled by the flight crew.
- Always approach the aircraft from the front.
- Avoid the aircraft's tail rotor area.
- Wear eye protection during landing and take-off.
- Do not carry or hold items, such as IV bags, above the head.
- Ensure that no one smokes near the aircraft.

435.8 AUTOMATED EXTERNAL DEFIBRILLATOR (AED) USE

A member should use an AED only after the member has received the required training (ORC § 3701.85).

435.8.1 AED USER RESPONSIBILITY

Members who are issued AEDs for use in department vehicles should check the AED at the beginning of the shift to ensure it is properly charged and functioning. Any AED that is not functioning properly will be taken out of service and given to the Administrative Lieutenant who is responsible for ensuring appropriate maintenance.

Following use of an AED, the device shall be cleaned and/or decontaminated as required. The electrodes and/or pads will be replaced as recommended by the AED manufacturer.

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Any member who uses an AED shall contact Dispatch as soon as possible and request response by EMS (ORC § 3701.85).

435.8.2 AED REPORTING

Any member using an AED will complete an incident report detailing its use.

435.8.3 AED TRAINING AND MAINTENANCE

The Administrative Lieutenant should ensure appropriate training, that includes training in CPR and AED use, is provided to members authorized to use an AED (ORC § 3701.85).

The Administrative Lieutenant is responsible for ensuring AED devices are appropriately maintained and tested consistent with the manufacturer's guidelines, and will retain records of all maintenance and testing in accordance with the established records retention schedule (ORC § 3701.85).

435.9 ADMINISTRATION OF OPIOID OVERDOSE MEDICATION

The Operations Bureau Commander may authorize the acquisition of opioid overdose medication as provided in ORC § 3715.50 for use by members. The Administrative Lieutenant is responsible for the storage, maintenance, control, and general oversight of the opioid overdose medication acquired by the Department (ORC § 3715.50; ORC § 3715.504).

435.9.1 OPIOID OVERDOSE MEDICATION USER RESPONSIBILITIES

Members who are qualified to administer opioid overdose medication, such as naloxone, should handle, store and administer the medication consistent with their training. Members should check the medication and associated administration equipment at the beginning of their shift to ensure they are serviceable and not expired. Any expired medication or unserviceable administration equipment should be removed from service and given to the Administrative Lieutenant.

Any member who administers an opioid overdose medication should contact Dispatch as soon as possible and request response by EMS.

435.9.2 OPIOID OVERDOSE MEDICATION REPORTING

Any member administering opioid overdose medication should detail its use in an appropriate report.

435.9.3 OPIOID OVERDOSE MEDICATION TRAINING

The Administrative Lieutenant should ensure training is provided to members authorized to administer opioid overdose medication.

435.10 SICK OR INJURED ARRESTEE

If an arrestee appears ill or injured, or claims illness or injury, he/she should be medically cleared prior to booking. If the officer has reason to believe the arrestee is feigning injury or illness, the officer should contact a supervisor, who will determine whether medical clearance will be obtained prior to booking.

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If the jail or detention facility refuses to accept custody of an arrestee based on medical screening, the officer should note the name of the facility person refusing to accept custody and the reason for refusal, and should notify a supervisor to determine the appropriate action.

Arrestees who appear to have a serious medical issue should be transported by ambulance. Officers shall not transport an arrestee to a hospital without a supervisor's approval.

Nothing in this section should delay an officer from requesting EMS when an arrestee reasonably appears to be exhibiting symptoms that appear to be life threatening, including breathing problems or an altered level of consciousness, or is claiming an illness or injury that reasonably warrants an EMS response in accordance with the officer's training.

435.11 ADMINISTRATION OF EPINEPHRINE

Members who have completed epinephrine administration training may administer epinephrine in accordance with protocol specified by the physician who prescribed the medication for use by the member (ORC § 2925.64; ORC § 3728.01; ORC § 4729.47).

435.11.1 EPINEPHRINE USER RESPONSIBILITIES

Members who are qualified to administer epinephrine should handle, store, and administer the medication consistent with their training. Members should check the medication and associated administration equipment at the beginning of their shift to ensure they are serviceable and not expired. Any expired medication or unserviceable administration equipment should be removed from service and given to the Administrative Lieutenant.

Any member who administers epinephrine should contact Dispatch as soon as possible and request response by EMS.

435.11.2 EPINEPHRINE REPORTING

Any member administering epinephrine should detail its use in an appropriate report.

435.11.3 EPINEPHRINE TRAINING

The Administrative Lieutenant should ensure that training is provided to members authorized to administer epinephrine.

435.12 FIRST AID TRAINING

Subject to available resources, the Administrative Lieutenant should ensure officers receive periodic first aid training appropriate for their position.

Crisis Intervention Incidents

436.1 PURPOSE AND SCOPE

This policy provides guidelines for interacting with those who may be experiencing a mental health or emotional crisis. Interaction with such individuals has the potential for miscommunication and violence. It often requires an officer to make difficult judgments about a person's mental state and intent in order to effectively and legally interact with the individual.

436.1.1 DEFINITIONS

Definitions related to this policy include:

Person in crisis - A situation whereby a person has become unable to self-regulate thinking, mood, or behavior. A person could be experiencing intense feelings of distress and/or displaying obvious changes in functioning in their daily living activities. This disturbance with a person's understanding and comprehension, ability to regulate emotions, and/or ability to regulate behavior may occur due to mental illness, intellectual or developmental disability, an injury/trauma to the brain, deterioration of the brain, other medical conditions, or a medical emergency.

Service provider – Behavioral health service providers are licensed agencies or professionals who can diagnose various conditions, including mental health, and then provide treatment. These agencies and professionals may provide a range of diagnostic and treatment services and methods.

436.2 POLICY

The Blue Ash Police Department is committed to providing a consistently high level of service to all members of the community and recognizes that persons in crisis may benefit from intervention. The Department will collaborate, where feasible, with mental health professionals to develop an overall intervention strategy to guide its members' interactions with those experiencing a mental health crisis. This is to ensure equitable and safe treatment of all involved.

436.3 SIGNS

Members should be alert to any of the following possible signs of mental health issues or crises:

- (a) A known history of mental illness
- (b) Threats of or attempted suicide
- (c) Loss of memory
- (d) Incoherence, disorientation or slow response
- (e) Delusions, hallucinations, perceptions unrelated to reality or grandiose ideas
- (f) Depression, pronounced feelings of hopelessness or uselessness, extreme sadness or guilt
- (g) Social withdrawal
- (h) Manic or impulsive behavior, extreme agitation, lack of control

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- (i) Lack of fear
- (j) Anxiety, aggression, rigidity, inflexibility or paranoia

Members should be aware that this list is not exhaustive. The presence or absence of any of these should not be treated as proof of the presence or absence of a mental health issue or crisis.

436.4 COORDINATION WITH MENTAL HEALTH PROFESSIONALS

The Chief of Police should designate an appropriate Bureau Commander to collaborate with mental health professionals to develop an education and response protocol. It should include a list of community resources, to guide department interaction with those who may be suffering from mental illness or who appear to be in a mental health crisis.

436.5 FIRST RESPONDERS

Safety is a priority for first responders. It is important to recognize that individuals under the influence of alcohol, drugs or both may exhibit symptoms that are similar to those of a person in a mental health crisis. These individuals may still present a serious threat to officers; such a threat should be addressed with reasonable tactics. Nothing in this policy shall be construed to limit an officer's authority to use reasonable force when interacting with a person in crisis.

Officers are reminded that mental health issues, mental health crises and unusual behavior alone are not criminal offenses. Individuals may benefit from treatment as opposed to incarceration.

An officer responding to a call involving a person in crisis should:

- (a) Promptly assess the situation independent of reported information and make a preliminary determination regarding whether a mental health crisis may be a factor.
- (b) Request available backup officers and specialized resources as deemed necessary and, if it is reasonably believed that the person is in a crisis situation, use conflict resolution and de-escalation techniques to stabilize the incident as appropriate.
- (c) If feasible, and without compromising safety, turn off flashing lights, bright lights or sirens.
- (d) Attempt to determine if weapons are present or available.
- (e) Take into account the person's mental and emotional state and potential inability to understand commands or to appreciate the consequences of his/her action or inaction, as perceived by the officer.
- (f) Secure the scene and clear the immediate area as necessary.
- (g) Employ tactics to preserve the safety of all participants.
- (h) Determine the nature of any crime.
- (i) Request a supervisor, as warranted.
- (j) Evaluate any available information that might assist in determining cause or motivation for the person's actions or stated intentions.
- (k) If circumstances reasonably permit, consider and employ alternatives to force.

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436.6 DE-ESCALATION

Officers should consider that taking no action or passively monitoring the situation may be the most reasonable response to a mental health crisis.

Once it is determined that a situation is a mental health crisis and immediate safety concerns have been addressed, responding members should be aware of the following considerations and should generally:

- Evaluate safety conditions.
- Introduce themselves and attempt to obtain the person's name.
- Be patient, polite, calm, courteous and avoid overreacting.
- Speak and move slowly and in a non-threatening manner.
- Moderate the level of direct eye contact.
- Remove distractions or disruptive people from the area.
- Demonstrate active listening skills (e.g., summarize the person's verbal communication).
- Provide for sufficient avenues of retreat or escape should the situation become volatile.

Responding officers generally should not:

- Use stances or tactics that can be interpreted as aggressive.
- Allow others to interrupt or engage the person.
- Corner a person who is not believed to be armed, violent or suicidal.
- Argue, speak with a raised voice or use threats to obtain compliance.

436.7 INCIDENT ORIENTATION

When responding to an incident that may involve mental illness or a mental health crisis, the officer should request that the dispatcher provide critical information as it becomes available. This includes:

- (a) Whether the person relies on drugs or medication, or may have failed to take his/her medication.
- (b) Whether there have been prior incidents, suicide threats/attempts, and whether there has been previous police response.
- (c) Contact information for a treating physician or mental health professional.

Additional resources and a supervisor should be requested as warranted.

436.8 SUPERVISOR RESPONSIBILITIES

A supervisor should respond to the scene of any interaction with a person in crisis. Responding supervisors should:

- (a) Attempt to secure appropriate and sufficient resources.

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- (b) Closely monitor any use of force, including the use of restraints, and ensure that those subjected to the use of force are provided with timely access to medical care (see the Handcuffing and Restraints Policy).
- (c) Consider strategic disengagement. Absent an imminent threat to the public and, as circumstances dictate, this may include removing or reducing law enforcement resources or engaging in passive monitoring.
- (d) Ensure that all reports are completed and that incident documentation uses appropriate terminology and language.
- (e) Conduct an after-action tactical and operational debriefing, and prepare an after-action evaluation of the incident to be forwarded to the Bureau Commander.
- (f) Evaluate whether a critical incident stress management debriefing for involved members is warranted.

436.9 INCIDENT REPORTING

Members engaging in any oral or written communication associated with a mental health crisis should be mindful of the sensitive nature of such communications and should exercise appropriate discretion when referring to or describing persons and circumstances.

Members having contact with a person in crisis should keep related information confidential, except to the extent that revealing information is necessary to conform to department reporting procedures or other official mental health or medical proceedings.

436.9.1 DIVERSION

Individuals who are not being arrested should be processed in accordance with the Civil Commitments Policy.

436.9.2 DOCUMENTING CONTACTS WITH PERSONS IN CRISIS

Members should document encounters with persons in crisis on department reports or Crisis Intervention Contact sheets, to include but not limited to:

- (a) The person's name, demographics, and location.
- (b) The type of crisis and behaviors exhibited.
- (c) If a crime is involved.
- (d) The response by the officer and if force was used.
- (e) The disposition of encounter.
- (f) Whether the member is requesting service provider follow-up.

Documentation should be in a format that information on persons in crisis can be provided to other mental health service providers and easily transferred into data reports for analysis to determine the effectiveness of response.

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436.10 NON-SWORN INTERACTION WITH PEOPLE IN CRISIS

Non-sworn members may be required to interact with persons in crisis in an administrative capacity, such as dispatching, records request, and animal control issues.

- (a) Members should treat all individuals equally and with dignity and respect.
- (b) If a member believes that he/she is interacting with a person in crisis, he/she should proceed patiently and in a calm manner.
- (c) Members should be aware and understand that the person may make unusual or bizarre claims or requests.

If a person's behavior makes the member feel unsafe, if the person is or becomes disruptive or violent, or if the person acts in such a manner as to cause the member to believe that the person may be harmful to him/herself or others, an officer should be promptly summoned to provide assistance.

436.11 EVALUATION

The Bureau Commander designated to coordinate the crisis intervention strategy for this department should ensure that a thorough review and analysis of the department response to these incidents is conducted annually. The report will not include identifying information pertaining to any involved individuals, officers or incidents and will be submitted to the Chief of Police through the chain of command.

436.12 TRAINING

In coordination with the mental health community and appropriate stakeholders, the Department will develop and provide comprehensive education and training to all department members to enable them to effectively interact with persons in crisis (ORC § 109.742).

Members should receive documented initial training to include recognizing and effectively communicating with a person in crisis, assessing a person's mental state, and determining how best to care for the person in crisis. All sworn personnel should have annual documented training to build on their initial training. Training should be reviewed annually and updated accordingly.

Medical Marijuana

437.1 PURPOSE AND SCOPE

The purpose of this policy is to provide members of this department with guidelines for investigating the acquisition, possession, transportation, delivery, production, or use of marijuana under Ohio's medical marijuana laws.

437.1.1 DEFINITIONS

Definitions related to this policy include:

Medical marijuana - Can include any of the following marijuana products obtained from a licensed dispensary (ORC § 3796.06; OAC § 3796:8-2-01):

- (a) Oil, tincture, capsule, or edible forms
- (b) Metered oil or solid preparation for vaporization
- (c) Patches for transdermal administration or lotions, creams, or ointments for topical administration
- (d) Plant material

Registry identification card - A card issued by the State of Ohio Board of Pharmacy as evidence that an individual is registered as a patient or caregiver (OAC § 3796:7-1-01).

437.2 POLICY

It is the policy of the Blue Ash Police Department to prioritize resources to avoid making arrests related to marijuana that the arresting officer reasonably believes would not be prosecuted by state or federal authorities.

Ohio's medical marijuana laws are intended to provide protection from prosecution to those who use, possess, administer, or cultivate marijuana to mitigate the symptoms of certain chronic or debilitating medical conditions. However, Ohio medical marijuana laws do not affect federal laws and there is no medical exception under federal law for the possession or distribution of marijuana. The Blue Ash Police Department will exercise discretion to ensure laws are appropriately enforced without unreasonably burdening both those individuals protected under Ohio law and the resources of the Department.

437.3 INVESTIGATION

Investigations involving the possession, delivery, production, or use of marijuana generally fall into one of several categories:

- (a) Investigations when no person makes a medicinal claim
- (b) Investigations involving a registered patient
- (c) Investigations involving a caretaker

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437.3.1 INVESTIGATIONS WITH NO MEDICAL CLAIM

In any investigation involving the possession, delivery, production, or use of marijuana or drug paraphernalia where no person claims that the marijuana is used for medicinal purposes, the officer should proceed with a criminal investigation. A medicinal claim may be raised at any time, so officers should document any statements and observations that may be relevant to whether the marijuana was possessed or produced for medicinal purposes.

437.3.2 INVESTIGATIONS INVOLVING A REGISTERED PATIENT

Officers should not arrest or take enforcement action against registered patients who (ORC § 3796.22):

- (a) Obtain, use, or possess a quantity of medical marijuana allowed under OAC § 3796:8-2-04.
- (b) Possess any permissible paraphernalia or accessories associated with medical marijuana.

Patients who do not have a registry identification card in their possession should not be arrested when investigation supports a reasonable belief that the person is a registered patient.

437.3.3 INVESTIGATIONS INVOLVING A CAREGIVER

Officers should not arrest or take enforcement action against registered caregivers who (ORC § 3796.23):

- (a) Obtain or possess a quantity of medical marijuana allowed under OAC § 3796:8-2-04.
- (b) Possess any permissible paraphernalia or accessories associated with medical marijuana.

Caregivers who do not have a registry identification card in their possession should not be arrested when investigation supports a reasonable belief that the person is a registered caregiver.

437.3.4 ADDITIONAL CONSIDERATIONS

Officers should consider the following when investigating an incident involving marijuana possession, delivery, production, or use:

- (a) The State of Ohio Board of Pharmacy may enter into reciprocity agreements with other states to allow their medical marijuana patient registration to be recognized in Ohio (ORC § 3796.16).
- (b) Because enforcement of medical marijuana laws can be complex, time-consuming, and can call for resources unavailable at the time of initial investigation, officers may consider submitting a report to the prosecutor for review, in lieu of making an arrest. This can be particularly appropriate when:
 - 1. The suspect has been identified and can be easily located at another time.
 - 2. The case would benefit from review by a person with expertise in medical marijuana investigations.

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3. Sufficient evidence, such as photographs or samples, have been lawfully obtained.
 4. Any other relevant factors exist, such as limited available department resources and time constraints.
- (c) A person's status as a registered patient or caregiver is not a sufficient basis for conducting a field sobriety test. To conduct any field sobriety test, a law enforcement officer must have an independent, factual basis giving reasonable suspicion that the person was operating a vehicle under the influence of marijuana or with a prohibited concentration of marijuana in the person's whole blood, blood serum, plasma, breath, or urine (ORC § 3796.24).
- (d) Before proceeding with enforcement related to medical marijuana cultivators, processors, laboratories that test medical marijuana, and retail dispensaries, officers should consider conferring with appropriate legal counsel, the Ohio Department of Commerce, and/or the State of Ohio Board of Pharmacy.
- (e) Patients and caregivers shall not cultivate medical marijuana or manufacture medical marijuana extract unless specifically licensed to do so (OAC § 3796:7-2-05).

437.3.5 EXCEPTIONS

This policy does not apply to the following offenses. Officers may take enforcement action if the person:

- (a) Operates a vehicle, streetcar, trackless trolley, watercraft, or aircraft while under the influence of medical marijuana (ORC § 3796.22; OAC § 3796:7-2-05).
- (b) Uses, possesses, or administers medical marijuana on federal land or in other prohibited areas (ORC § 3796.24; OAC § 3796:7-2-05).

437.4 FEDERAL LAW ENFORCEMENT

Officers should provide information regarding a marijuana investigation to federal law enforcement authorities when it is requested by federal law enforcement authorities or whenever the officer believes those authorities would have a particular interest in the information.

437.5 EVIDENCE

437.5.1 MEMBER RESPONSIBILITIES

The investigating member should notify the receiving Property Unit member in writing when marijuana may be the subject of a medical claim.

437.5.2 PROPERTY BUREAU SUPERVISOR RESPONSIBILITIES

The Property Unit supervisor should ensure that marijuana, drug paraphernalia, or other related property seized from a person engaged or assisting in the use of medical marijuana is not destroyed. The Property Unit supervisor is not responsible for caring for live marijuana plants.

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Upon the prosecutor's decision to forgo prosecution, or the dismissal of charges or an acquittal, the Property Unit supervisor should, as soon as practicable, return to the person from whom it was seized any usable marijuana, plants, drug paraphernalia, or other related property.

The Property Unit supervisor should not destroy marijuana that was alleged to be for medical purposes except upon receipt of a court order.

The Property Unit supervisor may release marijuana to federal law enforcement authorities upon presentation of a valid court order or by a written order of the Detective Section supervisor.

Chapter 5 - Traffic Operations

Traffic Function and Responsibility

500.1 PURPOSE AND SCOPE

The goal of traffic law enforcement is to reduce traffic collisions and improve the safety and quality of life for the community through traffic law compliance. This may be achieved through the application of such techniques as geographic/temporal assignment of personnel and equipment and the establishment of preventive patrols to deal with specific categories of unlawful driving behavior. Traffic enforcement techniques are based on collision data, enforcement activity records, traffic volume and traffic conditions. This department provides enforcement efforts toward violations, not only in proportion to the frequency of their occurrence in collision situations but also in terms of traffic-related needs.

500.2 TRAFFIC OFFICER DEPLOYMENT

Several factors are considered in the development of deployment schedules for officers of the Blue Ash Police Department. Information provided by the Ohio Traffic Safety Office (OTSO) is a valuable resource for traffic collision occurrences and therefore officer deployment. Some of the factors for analysis include:

- Location
- Time
- Day
- Violation factors

All officers assigned to patrol or traffic enforcement functions will emphasize enforcement of traffic laws and address collision-causing violations during those periods and at those locations where the incidence of collisions is increased. As a matter of routine, all officers will take directed enforcement action on request, and random enforcement action when appropriate, against violators. All officers shall maintain high visibility while working general enforcement, especially at high-collision incidence locations.

Other factors to be considered for deployment are citizen requests, construction zones, school zones or special events.

500.3 ENFORCEMENT

Enforcement actions are commensurate with applicable laws and take into account the degree and severity of the violation committed. This department does not establish ticket quotas and the number of arrests or citations issued by any officer shall not be used as the sole criterion for evaluating officer overall performance. The visibility and quality of an officer's work effort will be commensurate with the philosophy of this policy. Several methods are effective in the reduction of collisions:

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500.3.1 WARNINGS

Warnings or other non-punitive enforcement actions should be considered in each situation and may be substituted for arrests or citations when circumstances warrant.

500.3.2 TRAFFIC CITATIONS

Traffic citations may be issued when an officer believes it is appropriate. It is essential that officers fully explain the rights and requirements imposed on motorists upon issuance of a citation for a traffic violation (ORC § 2935.27). Officers should provide the following information at minimum:

- (a) Explanation of the violation or charge.
- (b) Court appearance procedure, including the optional or mandatory appearance by the motorist.
- (c) Notice of whether the motorist can enter a plea and pay the fine by mail or at the court.
- (d) The court contact information.
- (e) The person's driver license will be suspended for failure to comply with the directions on the citation.
- (f) For drivers issued a citation related to use of a cellphone or other device while driving in violation of ORC § 4511.204, notice that the driver may decline a search of the cellphone or device.

500.3.3 TRAFFIC CITATION COURT JURISDICTION

An officer who issues a traffic citation shall ensure that the citation is properly directed to the court having jurisdiction over the violation within the county in which the offense charged is alleged to have been committed (Ohio Traf. R. Rule 3(E)(1)).

500.3.4 REFUSAL TO SIGN TRAFFIC CITATION OR PROVIDE SATISFACTORY IDENTIFICATION

A person who refuses to sign a traffic citation or provide satisfactory identification, and thereby declines to make a written promise to appear in court, may immediately be taken before a magistrate (ORC § 2935.26(A)(2); ORC § 2935.26(A)(3)). When reasonable under the circumstances, a supervisor may be requested to assist with resolution of the incident prior to resorting to an arrest.

500.4 HIGH-VISIBILITY VESTS

The Department has provided American National Standards Institute (ANSI) Class II high-visibility vests to increase the visibility of department members who may be exposed to hazards presented by passing traffic, maneuvering or operating vehicles, machinery and equipment (23 CFR 655.601).

Although intended primarily for use while performing traffic-related assignments, high-visibility vests should be worn at any time increased visibility would improve the safety or efficiency of the member.

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500.4.1 REQUIRED USE

Except when working in a potentially adversarial or confrontational role, such as during vehicle stops, high-visibility vests should be worn at any time it is anticipated that an employee will be exposed to the hazards of approaching traffic or construction and recovery equipment. Examples of when high-visibility vests should be worn include traffic control duties, collision investigations, lane closures and while at disaster scenes, or anytime high visibility is desirable. When emergency conditions preclude the immediate donning of the vest, officers should retrieve and wear the vest as soon as conditions reasonably permit. Use of the vests shall also be mandatory when directed by a supervisor.

Vests maintained in the investigation units may be used anytime a plainclothes officer might benefit from being readily identified as an officer.

500.4.2 CARE AND STORAGE OF HIGH-VISIBILITY VESTS

High-visibility vests shall be maintained in the designated storage area of each patrol and investigation unit, in the side box of each police motorcycle and in the saddlebag or gear bag of each police bicycle. Each vest should be stored in such a manner as to protect and maintain the vest in a serviceable condition. Before going into service, each employee shall ensure a serviceable high-visibility vest is properly stored.

Additional high-visibility vests will be maintained in the equipment room for replacement of damaged or unserviceable vests. The Administrative Lieutenant should be promptly notified whenever the supply of vests in the equipment room needs replenishing.

Traffic Collision Response and Reporting

501.1 PURPOSE AND SCOPE

The public safety responsibilities of law enforcement include responding to traffic collisions, providing aid and assistance, documentation of the incident and identification of criminal activity. The Blue Ash Police Department prepares traffic collision reports in compliance with ORC § 5502.11 and OAC § 4501-31-01(A). As a public service the Blue Ash Police Department shall make traffic collision reports available to the public (ORC § 5502.12).

501.2 CALL RESPONSE

Officers should respond without delay when dispatched to a traffic collision. A traffic collision with injuries reported may include an emergency response if the officer reasonably believes such a response is appropriate.

501.2.1 RESPONSE CONSIDERATIONS

An officer responding to and upon arrival at a collision, should consider the following:

- (a) The most appropriate route to the incident.
- (b) Proper placement of the emergency vehicle to provide protection for officers and the scene.
- (c) Potential for involvement of hazardous materials.
- (d) Additional support that may be necessary (e.g., traffic control, medical aid, HAZMAT, ambulance, tow vehicles and airship landing).
- (e) Provide first aid to any injured parties if it can be done safely, and obtain medical assistance as necessary.
- (f) Provision of traffic control and protection of the scene.
- (g) Clearance of the roadway.

501.3 COLLISION INVESTIGATION

Investigation of traffic collisions should include, at minimum, the following:

- (a) Identification and interview of all involved parties.
- (b) Identification and interview of any witnesses.
- (c) Determination if any crime has occurred and taking appropriate enforcement action.
- (d) Identification and protection of items of apparent evidentiary value.
- (e) Documentation of the incident as necessary (e.g., statements, measurements, photographs, collection of evidence and reporting) on appropriate report forms.

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501.4 NOTIFICATION OF NEXT OF KIN

Officers investigating a traffic collision and who discover any person who is deceased or is pronounced dead at the scene, or who suffers a serious, life-threatening injury in a motor vehicle accident, is responsible for identifying the person and notifying the person's next of kin (ORC § 4501.80).

Identification of victims and notification should be done without delay although proper and accurate identification of victims is necessary prior to making any notification to the next of kin. Identification resources include the next of kin registration database maintained for law enforcement by the Bureau of Motor Vehicles and the Coroner.

Notification to the next of kin of a deceased person shall be made, in person, by an officer assigned to the incident, unless the Shift OIC assigns another officer, in compliance with Department training on death notifications. If the next of kin lives in another jurisdiction, a law enforcement official from that jurisdiction may be requested to make the personal notification.

501.5 TAKING ENFORCEMENT ACTION

Officers typically cannot make an arrest for a misdemeanor that did not occur in their presence. After a thorough investigation in which physical evidence or independent witness statements indicate that a violation of Ohio law led to the collision, officers should issue a traffic citation or a misdemeanor citation to the offending driver.

Incidents involving more serious violations, such as driving under the influence of drugs or alcohol, vehicular manslaughter or other felonies, shall be enforced immediately. If a driver subject to enforcement is admitted to a hospital, a supervisor shall be contacted to determine the best enforcement option.

501.6 TRAFFIC COLLISION REPORTING

501.6.1 OFFICER RESPONSIBILITIES

Department members shall utilize the Ohio traffic crash report prepared by the Ohio Department of Public Safety as required for reporting traffic collisions (OAC § 4501-31-01(A)). All traffic collision reports taken by members of this department shall be entered into the records management system and the Shift OIC notified for approval and upload to the Ohio Department of Public Safety.

501.6.2 OPERATIONS LIEUTENANT RESPONSIBILITIES

The Operations Lieutenant will be responsible for:

- (a) Monthly and quarterly reports on traffic collision statistics, to be forwarded to the Operations Bureau Commander or other persons as required.
- (b) Forwarding all traffic accident reports involving a fatality, personal injury or property damage greater than \$1,000 to the Department of Public Safety within five days of the investigation (ORC § 5502.11 and OAC § 4501-31-01).
- (c) Upon the request of an owner whose real property received damage caused by the operation of a motor vehicle, providing the names of persons charged with any offense

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related to the damage as soon as possible after the persons are charged with the offense (ORC § 2935.28).

501.7 REPORTING SITUATIONS

501.7.1 TRAFFIC COLLISIONS INVOLVING CITY VEHICLES

Traffic collision investigation reports shall be taken when a City-owned vehicle is involved in a traffic collision on a roadway or highway wherein any damage or injury results. A general information report may be taken in lieu of a traffic collision report at the direction of a supervisor when the collision occurs on private property or does not involve another vehicle. Whenever there is damage to a City vehicle, a vehicle damage report shall be completed and forwarded to the appropriate Bureau Commander.

Photographs of the collision scene and vehicle damage shall be taken at the discretion of the traffic investigator or any supervisor.

501.7.2 TRAFFIC COLLISIONS WITH POLICE DEPARTMENT EMPLOYEES

When an employee of this department, either on- or off-duty, is involved in a traffic collision within the jurisdiction of the Blue Ash Police Department and it results in a serious injury or fatality, the Operations Lieutenant or the Shift OIC should request the Ohio State Highway Patrol or other outside agency complete an investigation and report.

The term serious injury is defined as any injury that may result in a fatality.

501.7.3 TRAFFIC COLLISIONS WITH OTHER CITY EMPLOYEES OR OFFICIALS

The Operations Lieutenant or Shift OIC may request assistance from the Ohio State Highway Patrol or other outside agency for the investigation of any traffic collision involving any City official or employee where a serious injury or fatality has occurred.

501.7.4 TRAFFIC COLLISIONS INVOLVING DEER KILLED BY MOTOR VEHICLE

A traffic collision involving the death of a deer entitles the driver of the motor vehicle to take possession of the deer provided that (ORC § 1533.121):

- (a) Within 24 hours of the collision, the driver reports the accident to law enforcement.
- (b) Law enforcement inspects the carcass to determine the injuries are consistent with a motor vehicle accident.
- (c) Upon confirmation that the death has been caused as alleged, a certificate for legal ownership of the deer shall be issued to the driver by the law enforcement agency receiving the report.
- (d) If the deer is unclaimed, the certificate for legal ownership may be given to a private or public institution, charity or to another person.

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501.7.5 TRAFFIC COLLISIONS INVOLVING INJURED ANIMALS

Department members shall refer to the Animal Control Procedures Policy when a traffic collision involves disposition of an injured animal.

501.8 NOTIFICATION OF TRAFFIC CRASH TEAM

In the event of a traffic fatality or major injury, the sergeant in charge of the traffic crash team shall be notified, who will then contact the appropriate team members.

Vehicle Towing and Release Policy

502.1 PURPOSE AND SCOPE

This policy provides the procedures for towing a vehicle by or at the direction of the Blue Ash Police Department and under the authority of ORC § 4510.41, ORC § 4511.67, ORC § 4513.60 and ORC § 4513.61, Blue Ash Code of Ordinances Section 303.08, or other applicable municipal ordinance.

502.2 RESPONSIBILITIES

The responsibilities of those employees storing or impounding a vehicle are as follows.

502.2.1 COMPLETION OF VEHICLE IMPOUND AND INVENTORY REPORT

Department members requesting storage of a vehicle shall complete a Tow & Impound Worksheet including a description of property within the vehicle. A copy is to be given to the tow truck operator and the original is to be submitted to dispatch as soon as practicable after the vehicle is stored.

Impound Unit personnel shall promptly search Ohio Bureau of Motor Vehicles records to identify the owner and any lien holder of a motor vehicle ordered into storage. Impound Unit personnel shall send a notice to the owner and any lien holder that the motor vehicle will be declared a nuisance and disposed of if not claimed within 10 days of the date of mailing of the notice (ORC § 4513.61).

Approved Tow & Impound Worksheets shall be promptly placed into the towed vehicle folder so that they are immediately available for release or for information should inquiries be made. The Impound Unit shall ensure that records are maintained of motor vehicles towed and/or disposed of by this department, as required by Ohio law (ORC § 4513.60 and ORC § 4513.61).

502.2.2 REMOVAL OF VEHICLE DISABLED IN A TRAFFIC COLLISION

When a vehicle has been involved in a traffic collision and must be removed from the scene, the officer shall have the driver select a towing company, if reasonably possible, and shall relay the request for the specified towing company to Dispatch. When there is no preferred company requested, a company will be selected from the rotational list of towing companies in Dispatch.

If the owner is incapacitated or for any reason it is necessary for the Department to assume responsibility for a vehicle involved in a collision, the officer shall request the dispatcher to call a company selected from the rotational list of towing companies. The officer will then conduct an inventory and complete a Tow & Impound Worksheet.

502.2.3 REMOVAL OF COMMERCIAL MOTOR VEHICLE PURSUANT TO ORC § 4513.61

An officer may order into storage any motor vehicle, including an abandoned junk motor vehicle as defined in section 4513.63 of the Revised Code, that:

- (a) Has come into his/her possession as a result of the performance of the officer's duties;
- or

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- (b) Has been 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 sheriff or chief of police of the reasons for leaving the motor vehicle in such place. However, when such a motor vehicle constitutes an obstruction to traffic it may be ordered into storage immediately unless either of the following applies:
1. The vehicle was involved in an accident and is subject to section 4513.66 of the Revised Code;
 2. If the vehicle is a commercial motor vehicle, the officer shall allow the owner or operator of the vehicle the opportunity to arrange for the removal of the motor vehicle within a period of time specified by the officer. If the officer determines that the vehicle cannot be removed within the specified period of time, the officer shall order the removal of the vehicle.

502.2.4 DISPATCHER'S RESPONSIBILITIES

Upon receiving a request for towing, the dispatcher shall promptly telephone the specified towing service. The officer shall be advised when the request has been made and the towing service has been dispatched.

When there is no preferred company requested, the dispatcher shall call the next firm in rotation from the list of approved towing companies and shall make appropriate entries on that form to ensure the next firm is called.

502.3 TOWING SERVICES

The City of Blue Ash periodically selects one or more firms to act as official tow services. Those firms will be used in the following situations:

- (a) When it is necessary to safeguard a vehicle due to the inability of the owner or operator to take the required action.
- (b) When a vehicle is seized pursuant to a violation of ORC § 4511.195 or ORC § 4511.203.
- (c) When it is otherwise necessary to store a motor vehicle. This would include situations involving the recovery of stolen or abandoned vehicles and the removal of vehicles obstructing traffic in violation of state or local regulations.

If more than one firm has been selected, they shall be placed on a rotation list. Nothing in this policy shall require the Department to tow a vehicle.

502.3.1 STORAGE LOCATION

Only the following categories of vehicles shall be impounded at the Blue Ash Police Impound lot:

- Vehicles needed for investigation of hit-skip auto accidents, fatal auto accidents, or other traffic offenses as determined by the shift supervisor.
- Vehicles used in the commission of a felony and wherein a forfeiture action is possible as determined by the shift supervisor.

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- Recovered stolen vehicles.
- Vehicles needed for the investigation of any criminal offense as determined by the shift supervisor.
- Abandoned vehicles towed from roadways, public property, or private property.
- Vehicles subject to civil forfeiture proceedings.

All other vehicles towed or impounded at the request of the Blue Ash Police Department are to be taken to the Rotation Wrecker operator's facility.

502.4 TOWING AT ARREST SCENES

Whenever a person in charge or in control of a vehicle is arrested, it is the policy of this department to provide reasonable safekeeping by towing the arrestee's vehicle subject to the exceptions described below. However, a vehicle shall be towed whenever it is needed for the furtherance of an investigation or prosecution of the case, or when the community caretaker doctrine would reasonably suggest that the vehicle should be towed. For example, a vehicle shall be towed if it would present a traffic hazard or if it would be in jeopardy of theft or damage if left at the scene in a high-crime area.

The following are examples of situations where consideration should be given to leaving a vehicle at the scene in lieu of towing, provided the vehicle can be lawfully parked and left in a reasonably secured and safe condition:

- Traffic-related warrant arrest
- Situations where the vehicle was not used to further the offense for which the occupant was arrested or is not subject to forfeiture proceedings
- Whenever the vehicle otherwise does not need to be stored and the owner requests that it be left at the scene

In such cases, the handling employee shall note in the report that the owner was informed that the Department will not be responsible for theft or damages.

502.5 VEHICLE INVENTORY

All property in a stored or impounded vehicle shall be inventoried and listed on the Tow & Impound Worksheet. This includes the trunk and any compartments or containers, even if they are closed and/or locked. Members conducting inventory searches should be as thorough and accurate as practicable in preparing an itemized inventory. These inventory procedures are for the purpose of protecting an owner's property while the vehicle is in police custody, to provide for the safety of officers and the public, and to protect the Department against fraudulent claims of lost, stolen or damaged property.

If the apparent potential for damage to a locked container reasonably appears to outweigh the protection of the items inside other options to consider regarding locked containers include, but are not limited to, obtaining access to the locked container from the owner, placing the locked

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container into safe keeping or obtaining a written waiver of responsibility for the contents of the locked container.

502.6 SECURITY OF VEHICLES AND PROPERTY

Unless it would cause an unreasonable delay in the completion of a vehicle impound/storage or create an issue of officer safety, an officer should make reasonable accommodations to permit a driver/owner to retrieve small items of value or personal need (e.g., cash, jewelry, cellular telephone, prescriptions) that are not considered evidence or contraband.

If a search of a vehicle leaves the vehicle or any property contained therein vulnerable to unauthorized entry, theft or damage, personnel conducting the search shall take such steps as are reasonably necessary to secure and/or preserve the vehicle or property.

Vehicle Impound Hearings

503.1 PURPOSE AND SCOPE

This policy establishes a procedure to provide vehicle storage or impound hearings when authorized by the City to impound vehicles (ORC § 4521.02(B)).

503.2 STORED OR IMPOUND HEARING

When a vehicle is stored or impounded by any member of the Department a hearing will be conducted upon the request of the registered or legal owner of the vehicle or his/her agent to determine if probable cause existed for the removal and placement of the vehicle.

The hearing shall be conducted within 48 hours of the request, excluding weekends and holidays. The hearing officer must be a person other than the person who directed the storage or impound of the vehicle.

503.2.1 HEARING PROCEDURES

The vehicle storage hearing is an informal process to evaluate the validity of an order to store or impound a vehicle. The employee who caused the storage or removal of the vehicle does not need to be present for this hearing.

All requests for a hearing on a stored or impounded vehicle shall be submitted in person, in writing or by telephone, within 10 days of the date appearing on the notice. The Administrative Lieutenant will generally serve as the hearing officer. The person requesting the hearing may record the hearing at his/her own expense.

The failure of either the registered or legal owner or interested person or his/her agent to request a hearing in a timely manner or to attend a scheduled hearing shall be considered a waiver of and satisfaction of the post-storage hearing.

Any relevant evidence may be submitted and reviewed by the hearing officer to determine if reasonable grounds have been established for the storage or impound of the vehicle. The initial burden of proof established by a preponderance of the evidence that the storage/impound was based on probable cause rests with the Department.

After consideration of all information, the hearing officer shall determine the validity of the storage or impound of the vehicle in question and then render a decision. The hearing officer shall also consider any mitigating circumstances attendant to the storage that reasonably would warrant the release of the vehicle or a mediation or reduction of the period the vehicle is impounded.

- (a) If a decision is made that reasonable grounds for storage or impound have been established, the hearing officer shall advise the inquiring party of the decision that the inquiring party may pursue further civil remedies if desired.
 - 1. If mitigating circumstances are found to be relevant, the hearing officer may make reasonable adjustments to the impound period, storage or assessment fees as warranted.

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- (b) If a decision is made that reasonable grounds for storage or impound have not been established or sufficient mitigating circumstances exist, the vehicle in storage shall be released immediately. Towing and storage fees will be at the Department's expense.
- (c) If a decision is made that reasonable grounds for storage have not been established or sufficient mitigating circumstances exist, and the vehicle has been released with fees having been paid, the receipt for such fees will be forwarded to the appropriate Bureau Commander. The hearing officer will recommend to the appropriate Bureau Commander that the fees paid by the registered or legal owner of the vehicle in question or the owner's agent be reimbursed by the Department.

Impaired Driving

504.1 PURPOSE AND SCOPE

This policy provides guidance to those department members who play a role in the detection and investigation of operating a vehicle under the influence of alcohol or drugs (OVI).

504.2 POLICY

The Blue Ash Police Department is committed to the safety of the roadways and the community and will pursue fair but aggressive enforcement of Ohio's impaired driving laws.

504.3 INVESTIGATIONS

Officers should not enforce OVI laws to the exclusion of their other duties unless specifically assigned to OVI enforcement. All officers are expected to enforce these laws with due diligence.

Any OVI investigation shall be documented using a standard incident report and all relevant information will be recorded in the report narrative. Information that should be documented includes, at a minimum:

- (a) The field sobriety tests (FSTs) administered and the results.
- (b) The officer's observations that indicate impairment on the part of the individual, and the officer's health-related inquiries that may help to identify any serious health concerns (e.g., diabetic shock).
- (c) Sources of additional information (e.g., reporting party, witnesses) and their observations.
- (d) Information about any audio and/or video recording of the individual's driving or subsequent actions.
- (e) The location and time frame of the individual's vehicle operation and how this was determined.
- (f) Any prior related convictions in Ohio or another jurisdiction.

504.4 FIELD TESTS

The Operations Lieutenant should identify standardized FSTs and any approved alternate tests for officers to use when investigating violations of OVI laws.

504.5 CHEMICAL TESTS

A person implies consent under Ohio law to a chemical test or tests, and to providing the associated chemical sample, under any of the following (ORC § 4511.191):

- (a) The arresting officer has reasonable grounds to believe the person was operating or in physical control of a motor vehicle while under the influence of alcohol, a drug or a combination of the two.
- (b) An officer has arrested a person under the age of 21 and has reasonable grounds to believe the person was OVI (ORC § 4511.19(B)).

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- (c) The person has been arrested for a substantially equivalent municipal OVI ordinance.

If a person withdraws this implied consent, or is unable to withdraw consent (e.g., the person is unconscious) the officer should consider implied consent revoked and proceed as though the person has refused to provide a chemical sample.

504.5.1 STATUTORY NOTIFICATIONS

An officer arresting a person for OVI shall, prior to requesting that the person submit to a chemical test, read from a written form the mandatory statutory advice provided by ORC § 4511.192(B). The reading of the advice shall be witnessed by one or more persons and the witness shall certify to this fact by signing the form (ORC § 4511.192(A)).

If the arrestee has a previous conviction for OVI as described in ORC § 4511.191, the officer (ORC § 4511.191(A)(5)):

- (a) Shall request the person to submit to a chemical test.
- (b) Is not required to advise the person of the consequences of submitting or refusing to submit to a chemical test.
- (c) Is not required to provide the person with the written form described in this policy.
- (d) Shall advise the person that the officer may employ whatever reasonable means are necessary to ensure that the person submits to a chemical test.
- (e) At the time of arrest, shall advise the person that he/she may have an independent chemical test taken at his/her own expense and permit such testing (ORC § 4511.19(D)(3)).

If an officer does not ask the arrestee to submit to a chemical test, the officer shall seize the person's driver license and forward it to the court in which the person is to appear, pursuant to ORC § 4511.192(C). If the person is not in possession of his/her license, the officer shall order the person to submit it to this department within 24 hours of the arrest.

504.5.3 BREATH SAMPLES

The Operations Lieutenant should ensure that all devices used for the collection and analysis of breath samples are properly serviced and tested, and that a record of such service and testing is properly maintained.

Officers obtaining a breath sample should monitor the device for any sign of malfunction. Any anomalies or equipment failures should be noted in the appropriate report and promptly reported to the Operations Lieutenant.

504.5.4 BLOOD SAMPLES

Only persons authorized by law to draw blood shall collect blood samples (ORC § 4511.19(D)(1)(b)). The blood draw should be witnessed by the assigned officer. No officer, even if properly certified, should perform this task.

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Officers should inform an arrestee that if he/she chooses to provide a blood sample, a separate sample can be collected for alternate testing. Unless medical personnel object, two samples should be collected and retained as evidence, so long as only one puncture is required.

The blood sample shall be packaged, marked, handled, stored and transported as required by the testing facility.

If an arrestee cannot submit to a blood draw because he/she has a bleeding disorder or has taken medication that inhibits coagulation, he/she shall not be required to take a blood test. Such inability to take a blood test should not be considered a refusal. However, that arrestee may be required to complete another available and viable test.

504.5.5 URINE SAMPLES

If a urine test will be performed, the arrestee should be promptly transported to the appropriate testing site. The officer shall follow any directions accompanying the urine evidence collection kit.

Urine samples shall be collected and witnessed by an officer or jail staff member of the same sex as the individual giving the sample. The arrestee tested should be allowed sufficient privacy to maintain his/her dignity, to the extent possible, while still ensuring the accuracy of the sample.

The sample shall be packaged, marked, handled, stored and transported as required by the testing facility.

504.6 REFUSALS

When an arrestee refuses to provide a chemical sample, officers should:

- (a) Advise the arrestee of the requirement to provide a sample (ORC § 4511.191).
- (b) Audio- and/or video-record the admonishment and the response when it is practicable.
- (c) Document the refusal in the appropriate report.

504.6.1 STATUTORY NOTIFICATIONS UPON REFUSAL

Upon refusal to submit to a chemical test as required by law, officers shall personally serve the notice of license suspension upon the person and take possession of any state-issued license to operate a motor vehicle that is held by that person. If a person was arrested only for having physical control of a vehicle while under the influence pursuant to ORC § 4511.194, the officer shall not seize the person's driver license if the person submits to the chemical tests, regardless of the amount of alcohol or controlled substances indicated by the test (ORC § 4511.192(D)).

504.6.2 BLOOD SAMPLE WITHOUT CONSENT

A blood sample may be obtained from a person who refuses to submit to a chemical test when a search warrant has been obtained.

504.6.3 FORCED BLOOD SAMPLE

If an arrestee indicates by word or action that he/she will physically resist a blood draw, the officer should request a supervisor to respond.

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The responding supervisor should:

- (a) Evaluate whether using force to obtain a blood sample is appropriate under the circumstances.
- (b) Ensure that all attempts to obtain a blood sample through force cease if the person agrees to, and completes a viable form of testing in a timely manner.
- (c) Advise the person of his/her duty to provide a sample (even if this advisement was previously done by another officer) and attempt to persuade the person to submit to such a sample without physical resistance. This dialogue should be recorded on audio and/or video when practicable.
- (d) Ensure that the blood sample is taken in a medically approved manner.
- (e) Ensure the forced blood draw is recorded on audio and/or video when practicable.
- (f) Monitor and ensure that the type and level of force applied appears reasonable under the circumstances.
 - 1. Unless otherwise provided in a warrant, force should generally be limited to handcuffing or similar restraint methods.
 - 2. In misdemeanor cases, if the arrestee becomes violent or more resistant, no additional force will be used and a refusal should be noted in the report.
 - 3. In felony cases, force which reasonably appears necessary to overcome the resistance to the blood draw may be permitted.
- (g) Ensure the use of force and methods used to accomplish the collection of the blood sample are documented in the related report.

If a supervisor is unavailable, officers are expected to use sound judgment and perform as a responding supervisor, as set forth above.

504.7 ARREST AND INVESTIGATION

504.7.1 DESIGNATION OF CHEMICAL TESTS

The type of chemical test to be administered to persons in violation of OVI laws shall be the type designated by the Department and administered at the direction of the arresting officer (ORC § 4511.191(A)(3)).

504.7.2 OFFICER RESPONSIBILITIES

If a person refuses to submit to a chemical test, or submits to the test and the results indicate a prohibited concentration of alcohol, controlled substance or metabolite of a controlled substance, the officer shall (ORC § 4511.192(D)):

- (a) Confirm the arrested person's residence and notify the Bureau of Motor Vehicles (BMV) of any change.
- (b) Within 48 hours, forward a sworn report to the BMV and the court in which the arrested person will appear that contains the statements required by ORC § 4511.192(D)(1)(d).

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- (c) Provide a copy of the officer's sworn report to the arrested person, if available. A copy of an unsworn report may be provided to the arrested person provided that the report is complete when given to the person and that it is subsequently sworn to by the arresting officer (ORC § 4511.192(E)).

504.7.3 TIME TO CONSENT TO TEST

If an officer requests that a person consent to providing a chemical sample pursuant to Ohio law, failure to consent to the test within two hours of the alleged violation automatically constitutes a refusal (ORC § 4511.192(A)).

504.7.4 VEHICLE SEIZURE

An officer arresting a person for OVI shall seize the vehicle the person was operating at the time of the offense if the person is the registered owner of the vehicle and either of the following conditions apply (ORC § 4511.195(B)):

- (a) The person is arrested for OVI or for a municipal OVI ordinance and has been previously convicted of or pleaded guilty to OVI, or an equivalent offense, within the last 10 years.
- (b) The person is arrested for OVI or for a municipal OVI ordinance and has been previously convicted of or pleaded guilty to a felony OVI offense, regardless of when the conviction or guilty plea occurred.

504.8 RECORDS UNIT RESPONSIBILITIES

The Records Unit will ensure that all case-related records are transmitted according to current records procedures and as required by the prosecuting attorney's office.

504.9 ADMINISTRATIVE HEARINGS

The Records Unit will ensure that all appropriate reports and documents related to administrative license suspensions are reviewed and forwarded to the BMV.

Any officer who receives notice of required attendance to an administrative license suspension hearing should promptly notify the prosecuting attorney.

An officer called to testify at an administrative hearing should document the hearing date and the BMV file number in a supplemental report. Specific details of the hearing generally should not be included in the report unless errors, additional evidence or witnesses are identified. The Records Unit should forward this to the prosecuting attorney as part of the case file.

504.10 TRAINING

The Administrative Lieutenant should ensure that officers participating in the enforcement of OVI laws receive regular training. Training should include, at minimum, current laws on impaired driving, investigative techniques and rules of evidence pertaining to OVI investigations. The Administrative Lieutenant should confer with the prosecuting attorney's office and update training topics as needed.

Traffic and Parking Citations

505.1 PURPOSE AND SCOPE

This policy outlines the responsibilities for issuing, correcting, voiding, and dismissing traffic and parking citations.

505.2 RESPONSIBILITIES

Members of this department shall use the Ohio Uniform Traffic Ticket for all traffic offense citations (Ohio Traf. R. Rule 3(A)). The Chief of Police or the authorized designee shall determine whether to use the Ohio Uniform Traffic Ticket or adopt a local parking ticket for parking violations (ORC § 4521.03).

The Records Unit shall be responsible for the supply and accounting of all traffic and parking citations issued to members of this department (Ohio Traf. R. Rule 3(D)). Citations will be kept in a secure location and issued to members by Records Unit staff. Members will sign for the citation books when issued, and the Records Unit is responsible for maintaining records of parking tickets issued by members of this department (ORC § 4521.03(D)).

505.2.1 OFFICER RESPONSIBILITIES

The officer who issues a moving traffic ticket shall do all of the following (Ohio Traf. R. Rule 3(E)):

- (a) Complete the ticket with all available information and sign the ticket.
- (b) Serve a copy of the completed ticket on the defendant.
- (c) File the court copy with the court without unnecessary delay.
- (d) Notify the recipient that the recipient must comply with the directions on the ticket or the recipient's license will be cancelled, the recipient will not be eligible for the reissuance of a license for one year, and the recipient will be subject to any applicable criminal penalties.

505.2.2 WRITTEN OR VERBAL WARNINGS

Written or verbal warnings may be issued when the department member believes it is appropriate. The Records Unit should maintain information relating to traffic stops in which a written warning is issued. Written warnings are retained by this department in accordance with the established records retention schedule.

505.3 POLICY

It is the policy of the Blue Ash Police Department to enforce traffic laws fairly and equally. Authorized members may issue a traffic citation, parking citation, or written or verbal warning based upon the circumstances of the contact and in the best interest of the motoring public and community safety.

505.4 TRAFFIC CITATIONS

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505.4.1 CORRECTION

When a traffic citation is issued but is in need of correction, the member issuing the citation shall submit the citation and a letter to the member's immediate supervisor requesting a specific correction. Once approved, the citation and letter shall then be forwarded to the Records Unit. The Records Unit or the authorized designee shall prepare a letter of correction to the court having jurisdiction and notify the citation recipient in writing.

505.4.2 VOIDING

Voiding a traffic citation may occur when the citation has not been completed or when it is completed but not issued. All copies of the voided citation shall be presented to a supervisor for approval. The citation and copies shall then be forwarded to the Records Unit.

505.4.3 DISMISSAL

Members of this department do not have the authority to dismiss a traffic citation once it has been issued. Only the court has that authority. Any request from a recipient to dismiss a citation shall be referred to the Operations Lieutenant. Upon a review of the circumstances involving the issuance of the traffic citation, the Operations Lieutenant may request the Operations Bureau Commander to recommend dismissal. If approved, the citation will be forwarded to the appropriate prosecutor with a request for dismissal. All recipients of traffic citations whose request for dismissal has been denied shall be referred to the appropriate court.

Prior to a court hearing, a member may submit a request for dismissal of a traffic citation to the member's supervisor. The request must be in writing and should include the reason for dismissal (i.e., in the interest of justice, prosecution is deemed inappropriate). Upon a review of the circumstances involving the issuance of the traffic citation, the supervisor may forward the request to the Operations Bureau Commander to recommend dismissal. If approved, the citation will be forwarded to the appropriate prosecutor with a request for dismissal.

Should a member determine during a court proceeding that a traffic citation should be dismissed in the interest of justice or where prosecution is deemed inappropriate, the member may request the court to dismiss the citation. Upon such dismissal, the member shall notify the member's immediate supervisor of the circumstances surrounding the dismissal and shall complete any paperwork as directed or required, and forward it to the Operations Bureau Commander for review.

505.4.4 DISPOSITION

The court and file copies of all traffic citations issued by members of this department shall be forwarded to the member's immediate supervisor for review by the end of each shift. The citation copies shall then be filed with the Records Unit.

Upon separation from appointment or employment with this department, all members who were issued traffic citation books shall return any unused citations to the Records Unit.

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505.4.5 JUVENILE CITATIONS

Completion of traffic citation forms for juveniles may vary slightly from the procedure for adults. The juvenile's age, place of residency, and the type of offense should be considered before issuing a juvenile a citation.

Disabled Vehicles

506.1 PURPOSE AND SCOPE

Law enforcement and other public agencies may develop and adopt a written policy to provide assistance to motorists in disabled vehicles that are within their primary jurisdiction.

506.2 OFFICER RESPONSIBILITIES

When an on-duty officer observes a disabled vehicle, the officer should make a reasonable effort to provide assistance. If that officer is assigned to a call of higher priority, the dispatcher should be advised of the location of the disabled vehicle and the need for assistance. The dispatcher should then assign another available officer or other department member to respond as soon as practicable.

506.3 EXTENT OF ASSISTANCE

In most cases, a disabled motorist will require assistance. After assistance is rendered or arrangements for assistance are made, continued involvement by Department personnel will be contingent on the time of day, the location, the availability of Department resources and the vulnerability of the disabled motorist.

506.3.1 MECHANICAL REPAIRS

Department personnel should not make mechanical repairs to a disabled vehicle. The use of push bumpers to relocate vehicles to a position of safety is not considered a mechanical repair.

506.3.2 RELOCATION OF DISABLED VEHICLES

The relocation of disabled vehicles by members of this department by pushing or pulling a vehicle should only occur when the conditions reasonably indicate that immediate movement is necessary to reduce a hazard presented by the disabled vehicle.

Abandoned and Overtime Parked Vehicles

507.1 PURPOSE AND SCOPE

This policy provides procedures for the removal, recording and storage of abandoned vehicles or overtime parked vehicles on public or private property under the authority of ORC § 4513.60 and ORC § 4513.61.

507.1.1 DEFINITIONS

Definitions related to this policy include:

Abandoned Junk Vehicle - A motor vehicle meeting all of the following requirements (ORC § 4513.63):

- The motor vehicle has remained on private property for more than 48 hours without the permission of the property owner, or on a public street or upon or within the right-of-way of any road or highway for 48 hours or longer.
- The motor vehicle is three years old or older.
- The motor vehicle is extensively damaged, including but not limited to, any of the following: missing wheels, tires, motor or transmission.
- The motor vehicle is apparently inoperable.
- The motor vehicle has a fair market value of \$1,500 or less.

Private Residential Property - Private property on which is located (ORC § 4513.60(A)(3)):

- 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.
- Does not include any private property on which is located one or more structures that are used as a home, residence or sleeping place by two or more persons, if more than three separate households are maintained in the structure or structures.

507.2 VEHICLE STORAGE

507.2.1 PRIVATE PROPERTY

A vehicle, other than an abandoned junk motor vehicle, left on private residential or private agricultural property, that has not been established as a private tow-away zone, without the permission of the property owner, may be removed if (ORC § 4513.60(A)(1)):

- (a) A complaint is received from any person adversely affected and the motor vehicle has been left for at least four hours.
- (b) A complaint is received from a representative of a repair garage or place of storage because the motor vehicle has been left at the garage or place of storage for a period longer than that agreed upon.

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507.2.2 PUBLIC PROPERTY

Any motor vehicle, including an abandoned junk motor vehicle, left on a public street or other property open to the public for purposes of vehicular travel, or upon or within the right-of-way of any road or highway, may be removed if the motor vehicle has been left for 48 hours or longer. When such a motor vehicle constitutes an obstruction to traffic, it may be ordered into storage immediately (ORC § 4513.61).

507.2.3 VEHICLE STORAGE REPORTING

Any vehicle in violation shall be stored by the authorized towing service or the Blue Ash Police Impound Lot and a Tow & Impound Worksheet shall be completed by the officer authorizing the storage of the vehicle.

The vehicle impound/storage form shall be submitted to the Records Unit as soon as practicable following the storage of the vehicle. It shall be the responsibility of the Records Unit to search Ohio Bureau of Motor Vehicles records within five business days of the tow to identify the owner and any lien holder of a motor vehicle ordered into storage. Records Unit personnel shall send a notice to the owner and any lien holder that the motor vehicle will be declared a nuisance and disposed of if not claimed within 10 days of the date of mailing the notice (ORC § 4513.61).

Chapter 6 - Investigation Operations

Investigation and Prosecution

600.1 PURPOSE AND SCOPE

The purpose of this policy is to set guidelines and requirements pertaining to the handling and disposition of criminal investigations.

600.2 POLICY

It is the policy of the Blue Ash Police Department to investigate crimes thoroughly and with due diligence, and to evaluate and prepare criminal cases for appropriate clearance or submission to a prosecutor.

600.3 INITIAL INVESTIGATION

600.3.1 OFFICER RESPONSIBILITIES

An officer responsible for an initial investigation shall complete no less than the following:

- (a) Make a preliminary determination of whether a crime has been committed by completing, at a minimum:
 - 1. An initial statement from any witnesses or complainants.
 - 2. A cursory examination for evidence.
- (b) If information indicates a crime has occurred, the officer shall:
 - 1. Preserve the scene and any evidence as required to complete the initial and follow-up investigation.
 - 2. Determine if additional investigative resources (e.g., investigators or scene processing) are necessary and request assistance as required.
 - 3. If assistance is warranted, or if the incident is not routine, notify a supervisor or the Shift OIC.
 - 4. Make reasonable attempts to locate, identify and interview all available victims, complainants, witnesses and suspects.
 - 5. Collect any evidence.
 - 6. Take any appropriate law enforcement action.
 - 7. Complete and submit the appropriate reports and documentation.
- (c) If the preliminary determination is that no crime occurred, determine what other action may be necessary, what other resources may be available, and advise the informant or complainant of this information.

600.4 CUSTODIAL INTERROGATION REQUIREMENTS

Suspects who are in custody and subjected to an interrogation shall be given the *Miranda* warning, unless an exception applies. Interview or interrogation of a juvenile shall be in accordance with the Temporary Custody of Juveniles Policy.

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600.4.1 AUDIO/VIDEO RECORDINGS

Any custodial interrogation of an individual who is suspected of having committed any violent felony offense should be recorded (audio or video with audio as available) in its entirety. Regardless of where the interrogation occurs, every reasonable effort should be made to secure functional recording equipment to accomplish such recordings.

Consideration should also be given to recording a custodial interrogation, or any investigative interview, for any other offense when it is reasonable to believe it would be appropriate and beneficial to the investigation and is otherwise allowed by law.

No recording of a custodial interrogation should be destroyed or altered without written authorization from the prosecuting attorney and the Detective Section supervisor. Copies of recorded interrogations or interviews may be made in the same or a different format as the original recording, provided the copies are true, accurate and complete and are made only for authorized and legitimate law enforcement purposes.

Recordings should not take the place of a thorough report and investigative interviews. Written statements from suspects should continue to be obtained when applicable.

600.4.2 RECORD KEEPING AND RETENTION REQUIREMENTS

Electronic recordings of custodial interrogations shall be clearly labeled and retained as required by ORC § 2933.81(D).

600.4.3 REQUIRED RECORDING OF INDIVIDUALS

Both audio and video recording of custodial interrogations is statutorily required when an individual is suspected of committing a violation of any offense enumerated in ORC § 2933.81 and the interrogation occurs at the station, a jail, or other place of detention except when (ORC § 2933.81):

- (a) The suspect requests that the interrogation not be recorded. Any such request shall be preserved in a recording or in writing.
- (b) The recording equipment malfunctions.
- (c) There are exigent circumstances related to public safety.
- (d) The interrogation occurs outside of the state.
- (e) The statements are made during routine processing or booking.
- (f) The statements are made spontaneously and not in response to interrogation.

600.5 COLD CASE REGISTER

The Department should maintain a confidential cold case register for offenses, including homicides and felony sexual offenses that have remained unsolved for more than one year. As reasonably practicable, cold cases should be revisited periodically for new information.

The Detective Bureau should submit cold cases to the Ohio Bureau of Criminal Investigation (BCI), which will provide investigative support in accordance with the BCI's Unresolved Homicide Initiative.

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600.6 DISCONTINUATION OF INVESTIGATIONS

The investigation of a criminal case or efforts to seek prosecution should only be discontinued if one of the following applies:

- (a) All reasonable investigative efforts have been exhausted, no reasonable belief that the person who committed the crime can be identified, and the incident has been documented appropriately.
- (b) The perpetrator of a misdemeanor has been identified and a warning is the most appropriate disposition.
 - 1. In these cases, the investigator shall document that the person was warned and why prosecution was not sought.
 - 2. Warnings shall not be given for felony offenses or other offenses identified in this policy or by law that require an arrest or submission of a case to a prosecutor.
- (c) The case has been submitted to the appropriate prosecutor but no charges have been filed. Further investigation is not reasonable nor has the prosecutor requested further investigation.
- (d) The case has been submitted to the appropriate prosecutor, charges have been filed, and further investigation is not reasonable, warranted or requested, and there is no need to take the suspect into custody.
- (e) Suspects have been arrested, there are no other suspects, and further investigation is either not warranted or requested.
- (f) Investigation has proven that a crime was not committed (see the Sexual Assault Investigations Policy for special considerations in these cases).

The Domestic Violence, Child Abuse, Sexual Assault Investigations and Adult or Vulnerable Person Abuse policies may also require an arrest or submittal of a case to a prosecutor.

600.7 COMPUTERS AND DIGITAL EVIDENCE

The collection, preservation, transportation and storage of computers, cell phones and other digital devices may require specialized handling to preserve the value of the related evidence. If it is anticipated that computers or similar equipment will be seized, officers should request that computer forensic examiners assist with seizing computers and related evidence. If a forensic examiner is unavailable, officers should take reasonable steps to prepare for such seizure and use the resources that are available.

600.8 INVESTIGATIVE USE OF SOCIAL MEDIA AND INTERNET SOURCES

Use of social media and any other Internet source to access information for the purpose of criminal investigation shall comply with applicable laws and policies regarding privacy, civil rights and civil liberties. Information gathered via the Internet should only be accessed by members while on-duty and for purposes related to the mission of this department.

Information obtained via the Internet should not be archived or stored in any manner other than department-established record keeping systems (see the Records Maintenance and Release and Criminal Organizations policies).

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600.8.1 ACCESS RESTRICTIONS

Information that can be accessed from any department computer, without the need of an account, password, email address, alias or other identifier (unrestricted websites), may be accessed and used for legitimate investigative purposes without supervisory approval.

Accessing information from any Internet source that requires the use or creation of an account, password, email address, alias or other identifier, or the use of nongovernment IP addresses, requires supervisor approval prior to access. The supervisor will review the justification for accessing the information and consult with legal counsel as necessary to identify any policy or legal restrictions. Any such access and the supervisor approval shall be documented in the related investigative report.

Accessing information that requires the use of a third party's account or online identifier requires supervisor approval and the consent of the third party. The consent must be voluntary and shall be documented in the related investigative report.

Information gathered from any Internet source should be evaluated for its validity, authenticity, accuracy and reliability. Corroborative evidence should be sought and documented in the related investigative report.

Any information collected in furtherance of an investigation through an Internet source should be documented in the related report. Documentation should include the source of information and the dates and times that the information was gathered.

600.8.2 INTERCEPTING ELECTRONIC COMMUNICATION

Intercepting social media communications in real time may be subject to federal and state wiretap laws. Officers should seek legal counsel before any such interception.

Sexual Assault Investigations

601.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for the investigation of sexual assaults. These guidelines will address some of the unique aspects of such cases and the effects that these crimes have on the victims.

Mandatory notifications requirements are addressed in the Child Abuse and Adult or Vulnerable Person Abuse policies.

601.1.1 DEFINITIONS

Definitions related to this policy include:

Sexual assault - Any crime or attempted crime of a sexual nature, to include but not limited to offenses defined in Title 29, Chapter 2907 (Sex Offenses).

Sexual Assault Response Team (SART) - A multidisciplinary team generally comprised of advocates; law enforcement officers; forensic medical examiners, including sexual assault forensic examiners (SAFEs) or sexual assault nurse examiners (SANEs) if possible; forensic laboratory personnel; and prosecutors. The team is designed to coordinate a broad response to sexual assault victims.

601.2 POLICY

It is the policy of the Blue Ash Police Department that its members, when responding to reports of sexual assaults, will strive to minimize the trauma experienced by the victims, and will aggressively investigate sexual assaults, pursue expeditious apprehension and conviction of perpetrators, and protect the safety of the victims and the community.

601.3 QUALIFIED INVESTIGATORS

Qualified investigators should be available for assignment of sexual assault investigations. These investigators should:

- (a) Have specialized training in, and be familiar with, interview techniques and the medical and legal issues that are specific to sexual assault investigations (ORC § 2907.30).
- (b) Conduct follow-up interviews and investigation.
- (c) Present appropriate cases of alleged sexual assault to the prosecutor for review.
- (d) Coordinate with other enforcement agencies, social service agencies and medical personnel as needed.
- (e) Provide referrals to therapy services, victim advocates and support for the victim.
- (f) Participate in or coordinate with SART or other multidisciplinary investigative teams as applicable.

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601.4 REPORTING

In all reported or suspected cases of sexual assault, a report should be written and assigned for follow-up investigation. This includes incidents in which the allegations appear unfounded or unsubstantiated.

601.5 RELEASING INFORMATION TO THE PUBLIC

In cases where the perpetrator is not known to the victim, and especially if there are multiple crimes where more than one appear to be related, consideration should be given to releasing information to the public whenever there is a reasonable likelihood that doing so may result in developing helpful investigative leads. The Detective Section supervisor should weigh the risk of alerting the suspect to the investigation with the need to protect the victim and the public, and to prevent more crimes.

601.6 TRAINING

Subject to available resources, periodic training will be provided to:

- (a) Members who are first responders. This includes but is not limited to:
 - 1. Initial response to sexual assaults.
 - 2. Legal issues.
 - 3. Victim advocacy.
 - 4. Victim's response to trauma.
- (b) Qualified investigators who should receive advanced training on additional topics. This includes but is not limited to:
 - 1. Interviewing sexual assault victims.
 - 2. SART or multidisciplinary response team.
 - 3. Medical and legal aspects of sexual assault investigations.
 - 4. Serial crimes investigations.
 - 5. Use of community and other federal and state investigative resources, such as the Violent Criminal Apprehension Program (ViCAP).
 - 6. Techniques for communicating with victims to minimize trauma (ORC § 2907.30).

601.7 VICTIM INTERVIEWS

The primary considerations in sexual assault investigations, which begin with the initial call to Dispatch, should be the health and safety of the victim, the preservation of evidence, and preliminary interviews to determine if a crime has been committed and to attempt to identify the suspect.

Whenever possible, a member of the SART should be included in the initial victim interviews.

An in-depth follow-up interview should not be conducted until after the medical and forensic examinations are completed and the personal needs of the victim have been met (e.g., change

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of clothes, bathing). The follow-up interview may be delayed to the following day based upon the circumstances. Whenever practicable, the follow-up interview should be conducted by a qualified investigator (ORC § 2907.30).

No opinions of whether the case is unfounded shall be included in the report.

Victims shall not be asked or required to take a polygraph examination (34 USC § 10451; ORC § 2907.10).

Victims should be apprised of applicable victim's rights provisions, as outlined in the Victim and Witness Assistance Policy.

601.8 COLLECTION AND TESTING OF BIOLOGICAL EVIDENCE

Whenever possible, a SART member should be involved in the collection of forensic evidence from the victim.

When the facts of the case indicate that collection of biological evidence is warranted, it should be collected regardless of how much time has elapsed since the reported assault. If a drug-facilitated sexual assault is suspected, urine and blood samples should be collected from the victim as soon as practicable.

Subject to requirements set forth in this policy, biological evidence from all sexual assault cases, including cases where the suspect is known by the victim, should be submitted for testing.

Victims who choose not to assist with an investigation, do not desire that the matter be investigated, or wish to remain anonymous may still consent to the collection of evidence under their control. In these circumstances, the evidence should be collected and stored appropriately.

601.8.1 COLLECTION AND TESTING REQUIREMENTS

Members investigating sexual assaults or handling related evidence are required to do the following:

- (a) Submit biological evidence to the appropriate crime laboratory within thirty days for a DNA analysis after it has been determined that any of the following offenses have occurred (ORC § 2933.82; OAC § 109:7-1-07):
 1. A rape offense (ORC § 2907.02).
 2. A sexual battery offense (ORC § 2907.03).
 3. Gross sexual imposition with a victim less than 13 years of age (ORC § 2907.05).
 4. Any sexual assault involving a homicide or an attempted homicide offense (ORC § 2907.02).
 5. Any sexual assault related to human trafficking (ORC § 2905.32).
- (b) Facilitate the testing of a suspect for disease as set forth in ORC § 2907.27 upon the request of a victim or the prosecutor.

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- (c) Log and update information relating to sexual assault evidence kits into the state tracking system as required by OAC § 109:7-1-07 (e.g., receiving a kit, forwarding a kit to a laboratory, a change in the status of the case).

Additional guidance regarding evidence retention and destruction is found in the Property Unit Policy.

601.8.2 DNA TEST RESULTS

Members investigating sexual assault cases should notify victims of any DNA test results as soon as reasonably practicable.

A SART member should be consulted regarding the best way to deliver biological testing results to a victim so as to minimize victim trauma, especially in cases where there has been a significant delay in getting biological testing results (e.g., delays in testing the evidence or delayed DNA databank hits). Members should make reasonable efforts to assist the victim by providing available information on local assistance programs and organizations as provided in the Victim and Witness Assistance Policy.

Members investigating sexual assaults cases should ensure that DNA results are entered into databases when appropriate and as soon as practicable.

601.9 DISPOSITION OF CASES

If the assigned investigator has reason to believe the case is without merit, the case may be classified as unfounded only upon review and approval of the Detective Section supervisor.

Classification of a sexual assault case as unfounded requires the Detective Section supervisor to determine that the facts have significant irregularities with reported information and that the incident could not have happened as it was reported. When a victim has recanted his/her original statement, there must be corroborating evidence that the allegations were false or baseless (i.e., no crime occurred) before the case should be determined as unfounded.

601.10 CASE REVIEW

The Detective Section supervisor should ensure cases are reviewed on a periodic basis, at least annually, using an identified group that is independent of the investigation process. The reviews should include an analysis of:

- (a) Case dispositions.
- (b) Decisions to collect biological evidence.
- (c) Submissions of biological evidence for lab testing.

The SART and/or victim advocates should be considered for involvement in this audit. Summary reports on these reviews should be forwarded through the chain of command to the Chief of Police.

Asset Forfeiture

602.1 PURPOSE AND SCOPE

This policy describes the authority and procedure for the seizure, forfeiture and liquidation of property associated with designated offenses.

602.1.1 DEFINITIONS

Definitions related to this policy include:

Fiscal agent - The person designated by the Chief of Police to be responsible for securing and maintaining seized assets and distributing any proceeds realized from any forfeiture proceedings. This includes any time the Blue Ash Police Department seizes property for forfeiture or when the Blue Ash Police Department is acting as the fiscal agent pursuant to a multi-agency agreement.

Forfeiture - The process by which legal ownership of an asset is transferred to a government or other authority.

Forfeiture reviewer - The department member assigned by the Chief of Police who is responsible for reviewing all forfeiture cases and acting as the liaison between the Department and the assigned attorney.

Property subject to forfeiture - Includes the following (ORC § 2981.02; ORC § 2981.04; ORC § 2981.05):

- (a) Contraband involved in an offense.
- (b) Proceeds derived from or acquired through the commission of an offense.
- (c) An instrumentality that is used in, or intended to be used in, the commission or facilitation of any of the following offenses:
 - 1. A felony.
 - 2. A misdemeanor, when forfeiture is specifically authorized by a section of the Ohio Revised Code, or by a municipal ordinance that creates the offense or sets forth its penalties.
 - 3. An attempt to commit, complicity in committing or a conspiracy to commit either of the above.

Seizure - The act of law enforcement officials taking property, cash or assets that have been used in connection with or acquired by specified illegal activities.

602.2 POLICY

The Blue Ash Police Department recognizes that appropriately applied forfeiture laws are helpful to enforce the law, deter crime and reduce the economic incentive of crime. However, the potential for revenue should never compromise the effective investigation of criminal offenses, officer safety or any person's due process rights.

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It is the policy of the Blue Ash Police Department that all members, including those assigned to internal or external law enforcement task force operations, shall comply with all state and federal laws pertaining to forfeiture.

602.3 ASSET SEIZURE

Property may be seized for forfeiture as provided in this policy.

602.3.1 PROPERTY SUBJECT TO SEIZURE

The following may be seized upon review and approval of a supervisor and in coordination with the forfeiture reviewer:

- (a) Property subject to forfeiture identified in a search warrant or court order.
- (b) Property subject to forfeiture that is not the subject of a court order but for which an officer has probable cause to believe qualifies as property subject to forfeiture (ORC § 2981.03).

Whenever practicable, obtaining a search warrant or court order for seizure prior to making a seizure is the preferred method. Real property shall only be seized by court order unless an immediate need to protect the public exists (ORC § 2981.03).

A large amount of money standing alone is insufficient to establish the probable cause required to make a seizure.

602.3.2 PROPERTY NOT SUBJECT TO SEIZURE

The following property should not be seized for forfeiture:

- (a) Cash and property that does not meet the forfeiture counsel's current minimum forfeiture thresholds should not be seized.
- (b) Property that reasonably appears to the officer to have a value disproportionate to the severity of the crime considering the impact of the offense on the community, the extent to which the owners participated in the offense and whether the offense was completed or attempted (ORC § 2981.09).

When deciding to seize property as an alleged instrumentality of a crime under ORC Chapter 2981.02, officers should consider:

- Whether the offense could not have been committed or attempted but for the presence of the property.
- Whether the primary purpose in using the property was to commit or attempt to commit the offense, and
- The extent to which the property furthered the offense.

602.4 PROCESSING SEIZED PROPERTY FOR FORFEITURE PROCEEDINGS

When property or cash subject to this policy is seized, the officer making the seizure should ensure compliance with the following:

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- (a) Complete the applicable seizure forms and present the appropriate copy to the person from whom the property is seized. If cash or property is seized from more than one person, a separate copy must be provided to each person, specifying the items seized. When property is seized and no one claims an interest in the property, the officer must leave the copy in the place where the property was found, if it is reasonable to do so.
- (b) Complete and submit a report and original seizure forms within 24 hours of the seizure, if practicable.
- (c) Forward the original seizure forms and related reports to the forfeiture reviewer within two days of seizure.

The officer will book seized property as evidence with the notation in the comment section of the property form, "Seized Subject to Forfeiture." Property seized subject to forfeiture should be booked on a separate property form. No other evidence from the case should be booked on this form.

Photographs should be taken of items seized, particularly cash, jewelry and other valuable items.

Officers who suspect property may be subject to seizure but are not able to seize the property (e.g., the property is located elsewhere, the whereabouts of the property is unknown, it is real estate, bank accounts, non-tangible assets) should document and forward the information in the appropriate report to the forfeiture reviewer.

602.5 MAINTAINING SEIZED PROPERTY

The Property Unit supervisor is responsible for ensuring compliance with the following:

- (a) All property received for forfeiture is reasonably secured and properly stored to prevent waste and preserve its condition.
- (b) All property received for forfeiture is checked to determine if the property has been stolen.
- (c) All property received for forfeiture is retained in the same manner as evidence until forfeiture is finalized or the property is returned to the claimant or the person with an ownership interest.
- (d) Property received for forfeiture is not used by the Department unless the forfeiture action has been completed.

602.6 FORFEITURE REVIEWER

The Chief of Police will appoint a forfeiture reviewer. Prior to assuming duties or as soon as practicable thereafter, the forfeiture reviewer should attend a course approved by the Department on asset forfeiture.

The responsibilities of the forfeiture reviewer include:

- (a) Remaining familiar with forfeiture laws, particularly ORC § 2981.01 et seq., ORC § 2923.32 and ORC § 2925.42, and the forfeiture policies of the forfeiture counsel.

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- (b) Serving as the liaison between the Department and the forfeiture counsel and ensuring prompt legal review of all seizures.
- (c) Making reasonable efforts to obtain annual training that includes best practices in pursuing, seizing and tracking forfeitures.
- (d) Reviewing each seizure-related case and deciding whether the seizure is more appropriately made under state or federal seizure laws. The forfeiture reviewer should contact federal authorities when appropriate.
 - 1. Restrictions on transfers or referrals exist unless property exceeds \$100,000 or relates to a federal criminal forfeiture proceedings (ORC § 2981.14).
- (e) Ensuring that responsibilities, including the designation of a fiscal agent, are clearly established whenever multiple agencies are cooperating in a forfeiture case.
- (f) Ensuring that seizure forms are available and appropriate for department use. These should include notice forms, a receipt form and a checklist that provides relevant guidance to officers. The forms should be available in languages appropriate for the region and should contain spaces for:
 - 1. Names and contact information for all relevant persons and law enforcement officers involved.
 - 2. Information as to how ownership or other property interests may have been determined (e.g., verbal claims of ownership, titles, public records).
 - 3. A space for the signature of the person from whom cash or property is being seized.
 - 4. A tear-off portion or copy, which should be given to the person from whom cash or property is being seized, that includes the legal authority for the seizure, information regarding the process to contest the seizure and a detailed description of the items seized.
- (g) Ensuring that officers who may be involved in asset forfeiture receive training in the proper use of the seizure forms and the forfeiture process. The training should be developed in consultation with the appropriate legal counsel and may be accomplished through traditional classroom education, electronic media, Daily Training Bulletins (DTBs) or General Orders. The training should cover this policy and address any relevant statutory changes and court decisions.
- (h) Reviewing each asset forfeiture case to ensure that:
 - 1. Written documentation of the seizure and the items seized is in the case file.
 - 2. Independent legal review of the circumstances and propriety of the seizure is made in a timely manner.

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3. Notice of seizure has been given in a timely manner to those who hold an interest in the seized property (ORC § 2981.03; ORC § 2981.11).
 4. Property is promptly released to those entitled to its return.
 5. All changes to forfeiture status are forwarded to any supervisor who initiates a forfeiture case.
 6. Any cash received is deposited with the fiscal agent.
 7. Assistance with the resolution of ownership claims and the release of property to those entitled is provided.
 8. Current minimum forfeiture thresholds are communicated appropriately to officers.
 9. This policy and any related policies are periodically reviewed and updated to reflect current federal and state statutes and case law.
- (i) Ensuring that a written plan is available that enables the Chief of Police to address any extended absence of the forfeiture reviewer, thereby ensuring that contact information for other law enforcement officers and attorneys who may assist in these matters is available.
 - (j) Ensuring that the Department disposes of property as provided by law following any forfeiture.
 - (k) Ensuring that the process of selling or adding forfeited property to the department's regular inventory is in accordance with all applicable laws and consistent with the department's use and disposition of similar property.
 - (l) Upon completion of any forfeiture process, ensuring that no property is retained by the Blue Ash Police Department unless the Chief of Police authorizes in writing the retention of the property for official use.

Forfeiture proceeds should be maintained in a separate fund or account subject to appropriate accounting control, with regular reviews or audits of all deposits and expenditures.

Forfeiture reporting and expenditures should be completed in the manner prescribed by the law and City financial directives (ORC § 2981.11).

602.7 DISPOSITION OF FORFEITED PROPERTY

Assets forfeited shall be disposed of as set forth in ORC § 2981.12 and ORC § 2981.13.

No member of this department may use property that has been seized for forfeiture until the forfeiture action has been completed and the Chief of Police has given written authorization to retain the property for official use. No department member involved in the decision to seize property should be involved in any decision regarding the disposition of the property.

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602.8 RECORDS REQUIREMENTS

Detailed records related to the amount of forfeited property acquired by the Department under ORC Chapter 2981 and the date the property was acquired shall be kept and open to public inspection (ORC § 2981.11).

Detailed records of the disposition of acquired property shall be kept and open to public inspection. These shall include, but not be limited to (ORC § 2981.11):

- (a) The manner in which property was disposed, the date of disposition, detailed financial records concerning any property sold and the name of any person who received the property. The record shall not identify or enable identification of the individual officer who seized any item of property.
- (b) The general types of expenditures made with amounts that are gained from the sale of the property and that are retained by the department, including the specific amount expended on each general type of expenditure, except for the identification of any specific expenditure that is made in an ongoing investigation.

602.9 EXPENDITURE OF STATE FORFEITURE FUNDS

State forfeiture funds (286 LAW ENFORCEMENT STATE FUND) shall only be expended:

- (a) to pay the costs of protracted or complex investigations or prosecutions;
- (b) to provide reasonable technical training or expertise;
- (c) to provide matching funds to obtain federal grants to aid law enforcement, in the support of DARE programs or other programs designed to educate adults or children with respect to the dangers associated with the use of drugs of abuse;
- (d) to pay the costs of emergency action taken under section 3745.13 of the Revised Code relative to the operation of an illegal methamphetamine laboratory if the forfeited property or money involved was that of a person responsible for the operation of the laboratory; or
- (e) for other law enforcement purposes that the legislative authority determines to be appropriate.
- (f) for community prevention education programs. At least ten per cent of the first one hundred thousand dollars of amounts deposited during each calendar year, and at least twenty per cent of the amounts exceeding one hundred thousand dollars that are so deposited, shall be used in connection with community preventive education programs. The manner of use shall be determined by the department after receiving and considering advice on appropriate community preventive education programs from the county's board of alcohol, drug addiction, and mental health services, from the county's alcohol and drug addiction services board, or through appropriate community dialogue.

602.9.1 ANNUAL REPORT

The department shall file a report with City Council, not later than the thirty-first day of January of the next calendar year, verifying that the moneys were expended only for the purposes

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authorized by 2981.13 ORC or other relevant statute and specifying the amounts expended for each authorized purpose during the prior year.

Informants

603.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the use of informants.

603.1.1 DEFINITIONS

Definitions related to this policy include:

Informant - A person who covertly interacts with other individuals or suspects at the direction of, request of, or by agreement with the Blue Ash Police Department for law enforcement purposes. This also includes a person agreeing to supply information to the Blue Ash Police Department for a benefit (e.g., a quid pro quo in the form of a reduced criminal penalty, money).

603.2 POLICY

The Blue Ash Police Department recognizes the value of informants to law enforcement efforts and will strive to protect the integrity of the informant process. It is the policy of this department that all funds related to informant payments will be routinely audited and that payments to informants will be made according to the criteria outlined in this policy.

603.3 USE OF INFORMANTS

603.3.1 INITIAL APPROVAL

Before using an individual as an informant, an officer must receive approval from his/her supervisor. The officer shall compile sufficient information through a background investigation and experience with the informant in order to determine the suitability of the individual, including age, maturity and risk of physical harm, as well as any indicators of his/her reliability and credibility.

Members of this department should not guarantee absolute safety or confidentiality to an informant.

603.3.2 JUVENILE INFORMANTS

The use of informants under the age of 13 is prohibited.

In all cases, a juvenile 13 years of age or older may only be used as an informant with the written consent of each of the following:

- (a) The juvenile's parents or legal guardians
- (b) The juvenile's attorney, if any
- (c) The court in which the juvenile's case is being handled, if applicable
- (d) The Chief of Police or the authorized designee

603.3.3 INFORMANT AGREEMENTS

All informants are required to sign and abide by the provisions of the designated department informant agreement. The officer using the informant shall discuss each of the provisions of the agreement with the informant.

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Details of the agreement are to be approved in writing by a supervisor before being finalized with the informant.

603.4 INFORMANT INTEGRITY

To maintain the integrity of the informant process, the following must be adhered to:

- (a) The identity of an informant acting in a confidential capacity shall not be withheld from the Chief of Police, Bureau Commander, Detective Section supervisor or their authorized designees.
 - 1. Identities of informants acting in a confidential capacity shall otherwise be kept confidential.
- (b) Criminal activity by informants shall not be condoned.
- (c) Informants shall be told they are not acting as police officers, employees or agents of the Blue Ash Police Department, and that they shall not represent themselves as such.
- (d) The relationship between department members and informants shall always be ethical and professional.
 - 1. Members shall not become intimately involved with an informant.
 - 2. Social contact shall be avoided unless it is necessary to conduct an official investigation, and only with prior approval of the Detective Section supervisor.
 - 3. Members shall neither solicit nor accept gratuities or engage in any private business transaction with an informant.
- (e) Officers shall not meet with informants in a private place unless accompanied by at least one additional officer or with prior approval of the Detective Section supervisor.
 - 1. Officers may meet informants alone in an occupied public place, such as a restaurant.
- (f) When contacting informants for the purpose of making payments, officers shall arrange for the presence of another officer.
- (g) In all instances when department funds are paid to informants, a voucher shall be completed in advance, itemizing the expenses.
- (h) Since the decision rests with the appropriate prosecutor, officers shall not promise that the informant will receive any form of leniency or immunity from criminal prosecution.

603.4.1 UNSUITABLE INFORMANTS

The suitability of any informant should be considered before engaging him/her in any way in a covert or other investigative process. Members who become aware that an informant may be unsuitable will notify the supervisor, who will initiate a review to determine suitability. Until a determination has been made by a supervisor, the informant should not be used by any member. The supervisor shall determine whether the informant should be used by the Department and, if so, what conditions will be placed on his/her participation or any information the informant provides. The supervisor shall document the decision and conditions in file notes and mark the file "unsuitable" when appropriate.

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Considerations for determining whether an informant is unsuitable include, but are not limited to, the following:

- (a) The informant has provided untruthful or unreliable information in the past.
- (b) The informant behaves in a way that may endanger the safety of an officer.
- (c) The informant reveals to suspects the identity of an officer or the existence of an investigation.
- (d) The informant appears to be using his/her affiliation with this department to further criminal objectives.
- (e) The informant creates officer-safety issues by providing information to multiple law enforcement agencies simultaneously, without prior notification and approval of each agency.
- (f) The informant engages in any other behavior that could jeopardize the safety of officers or the integrity of a criminal investigation.
- (g) The informant commits criminal acts subsequent to entering into an informant agreement.

603.5 INFORMANT FILES

Informant files shall be utilized as a source of background information about the informant, to enable review and evaluation of information provided by the informant, and to minimize incidents that could be used to question the integrity of department members or the reliability of the informant.

Informant files shall be maintained in a secure area within the Detective Section. The Detective Section supervisor or the authorized designee shall be responsible for maintaining informant files. Access to the informant files shall be restricted to the Chief of Police, Bureau Commanders, Detective Section supervisor or their authorized designees.

The Support Bureau Commander should arrange for an audit using a representative sample of randomly selected informant files on a periodic basis, but no less than one time per year. If the Detective Section supervisor is replaced, the files will be audited before the new supervisor takes over management of the files. The purpose of the audit is to ensure compliance with file content and updating provisions of this policy. The audit should be conducted by a supervisor who does not have normal access to the informant files.

603.5.1 FILE SYSTEM PROCEDURE

A separate file shall be maintained on each informant and shall be coded with an assigned informant control number. An informant history that includes the following information shall be prepared for each file:

- (a) Name and aliases
- (b) Date of birth
- (c) Physical description: sex, race, height, weight, hair color, eye color, scars, tattoos or other distinguishing features

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- (d) Photograph
- (e) Current home address and telephone numbers
- (f) Current employers, positions, addresses and telephone numbers
- (g) Vehicles owned and registration information
- (h) Places frequented
- (i) Briefs of information provided by the informant and his/her subsequent reliability
 - 1. If an informant is determined to be unsuitable, the informant's file is to be marked "unsuitable" and notations included detailing the issues that caused this classification.
- (j) Name of the officer initiating use of the informant
- (k) Signed informant agreement
- (l) Update on active or inactive status of informant

603.6 INFORMANT PAYMENTS

No informant will be told in advance or given an exact amount or percentage for his/her service. The amount of funds to be paid to any informant will be evaluated against the following criteria:

- The extent of the informant's personal involvement in the case
- The significance, value or effect on crime
- The value of assets seized
- The quantity of the drugs or other contraband seized
- The informant's previous criminal activity
- The level of risk taken by the informant

The Detective Section supervisor will discuss the above factors with the Operations Bureau Commander and recommend the type and level of payment subject to approval by the Chief of Police.

603.6.1 PAYMENT PROCESS

Approved payments to an informant should be in cash using the following process:

- (a) Payments may be paid in cash from the FOJ Fund.
- (b) A supervisor shall complete and sign a FOJ Fund Accountability and Balance Form for cash payouts.
- (c) The officer delivering the payment shall complete a FOJ Fund Receipt for Payment form.
- (d) The form shall include the following:
 - 1. Date
 - 2. Payment amount

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3. Blue Ash Police Department case number
 4. A statement that the informant is receiving funds in payment for information or services rendered.
- (e) The cash transfer form shall be signed by the informant (true name or ci name accompanied by right thumbprint).
- (f) The cash transfer form will be kept in the FOJ Fund file.

603.6.2 AUDIT OF PAYMENTS

The Detective Section supervisor or the authorized designee shall be responsible for compliance with any audit requirements associated with grant provisions and applicable state and federal law.

At least once every six months, the Chief of Police or the authorized designee should conduct an audit of all informant funds for the purpose of accountability and security of the funds. The funds and related documents (e.g., buy/expense fund records, cash transfer forms, invoices, receipts and logs) will assist with the audit process.

Eyewitness Identification

604.1 PURPOSE AND SCOPE

This policy sets forth guidelines to be used when members of this department employ eyewitness identification techniques (ORC § 2933.83).

604.1.1 DEFINITIONS

Definitions related to the policy include:

Eyewitness identification process - Any field identification, live lineup or photographic identification.

Field identification - A live presentation of a single individual to a witness following the commission of a criminal offense for the purpose of identifying or eliminating the person as the suspect.

Live lineup - A live presentation of individuals to a witness for the purpose of identifying or eliminating an individual as the suspect.

Photographic lineup - Presentation of photographs to a witness for the purpose of identifying or eliminating an individual as the suspect.

604.2 POLICY

The Blue Ash Police Department will strive to use eyewitness identification techniques, when appropriate, to enhance the investigative process and will emphasize identifying persons responsible for crime and exonerating the innocent.

604.3 INTERPRETIVE SERVICES

Members should make a reasonable effort to arrange for an interpreter before proceeding with eyewitness identification if communication with a witness is impeded due to language or hearing barriers.

Before the interpreter is permitted to discuss any matter with the witness, the investigating member should explain the identification process to the interpreter. Once it is determined that the interpreter comprehends the process and can explain it to the witness, the eyewitness identification may proceed as provided for within this policy.

604.4 EYEWITNESS IDENTIFICATION PROCESS AND FORM

The Detective Section supervisor shall be responsible for the development and maintenance of an eyewitness identification process for use by members when they are conducting eyewitness identifications.

The process should include appropriate forms or reports that provide (ORC § 2933.83):

- (a) The date, time and location of the eyewitness identification procedure.
- (b) The name and identifying information of the witness.

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Eyewitness Identification

- (c) The name of the person administering the identification procedure.
- (d) If applicable, the names of all of the individuals present during the identification procedure.
- (e) An instruction to the witness that it is as important to exclude innocent persons as it is to identify a perpetrator.
- (f) An instruction to the witness that the perpetrator may or may not be among those presented and that the witness is not obligated to make an identification.
 - 1. If applicable, the member shall advise the witness that the member does not know who the suspect is.
- (g) If the identification process is a photographic or live lineup, an instruction to the witness that the perpetrator may not appear exactly as he/she did on the date of the incident.
- (h) An instruction to the witness that the investigation will continue regardless of whether an identification is made by the witness.
- (i) A signature line where the witness acknowledges that he/she understands the identification procedures, instructions and any results.
- (j) A statement from the witness in the witness's own words describing how certain he/she is of the identification or non-identification. This statement should be taken at the time of the identification procedure.
- (k) Any witness identification of one or more fillers in the lineup.
- (l) Other process direction adopted by the Ohio Attorney General under ORC § 2933.831.

The process and related forms should be reviewed at least annually and modified when necessary.

604.5 EYEWITNESS IDENTIFICATION

Members are cautioned not to, in any way, influence a witness as to whether any subject or photo presented in a lineup is in any way connected to the case. Members should avoid mentioning that:

- The individual was apprehended near the crime scene.
- The evidence points to the individual as the suspect.
- Other witnesses have identified or failed to identify the individual as the suspect.

In order to avoid undue influence, witnesses should view suspects or a lineup individually and outside the presence of other witnesses. Witnesses should be instructed to avoid discussing details of the incident or of the identification process with other witnesses.

Whenever feasible, the eyewitness identification procedure should be audio and/or video recorded and the recording should be retained according to current evidence procedures (ORC § 2933.83).

604.6 DOCUMENTATION

A thorough description of the eyewitness process and the results of any eyewitness identification should be documented in the case report.

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If a photographic lineup is utilized, a copy of the photographic lineup presented to the witness should be included in the case report. In addition, the order in which the photographs were presented to the witness should be documented in the case report.

604.7 PHOTOGRAPHIC AND LIVE LINEUP CONSIDERATIONS

When practicable, the member presenting the lineup should not be involved in the investigation of the case or know the identity of the suspect. In no case should the member presenting a lineup to a witness know which photograph or person in the lineup is being viewed by the witness. Techniques to achieve this include randomly numbering photographs, shuffling folders or using a computer program to order the persons in the lineup (ORC § 2933.83)

Individuals in the lineup should reasonably match the description of the perpetrator provided by the witness and should bear similar characteristics to avoid causing any person to unreasonably stand out. In cases involving multiple suspects, a separate lineup should be conducted for each suspect. The suspects should be placed in a different order within each lineup.

The member presenting the lineup should do so sequentially (i.e., show the witness one person at a time) and not simultaneously. The witness should view all persons in the lineup.

A live lineup should only be used before criminal proceedings have been initiated against the suspect. If there is any question as to whether any criminal proceedings have begun, the investigating member should contact the appropriate prosecuting attorney before proceeding.

604.8 FIELD IDENTIFICATION CONSIDERATIONS

Field identifications, also known as field elimination show-ups or one-on-one identifications, may be helpful in certain cases, where exigent circumstances make it impracticable to conduct a photo or live lineup identifications. A field elimination or show-up identification should not be used when independent probable cause exists to arrest a suspect. In such cases a live or photo lineup is the preferred course of action if eyewitness identification is contemplated.

When initiating a field identification, the member should observe the following guidelines:

- (a) Obtain a complete description of the suspect from the witness.
- (b) Assess whether a witness should be included in a field identification process by considering:
 - 1. The length of time the witness observed the suspect.
 - 2. The distance between the witness and the suspect.
 - 3. Whether the witness could view the suspect's face.
 - 4. The quality of the lighting when the suspect was observed by the witness.
 - 5. Whether there were distracting noises or activity during the observation.
 - 6. Any other circumstances affecting the witness's opportunity to observe the suspect.
 - 7. The length of time that has elapsed since the witness observed the suspect.

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- (c) If safe and practicable, the person who is the subject of the show-up should not be handcuffed or in a patrol vehicle.
- (d) When feasible, members should bring the witness to the location of the subject of the show up, rather than bring the subject of the show up to the witness.
- (e) A subject of the show up should not be shown to the same witness more than once.
- (f) In cases involving multiple suspects, witnesses should only be permitted to view the subjects of the show up one at a time.
- (g) The person who is the subject of the show up should not be required to put on clothing worn by the suspect, to speak words uttered by the suspect or to perform other actions mimicking those of the suspect.
- (h) If a witness positively identifies a subject of a show up as the perpetrator, members should not conduct any further field identifications with other witnesses for that suspect. In such instances members should document the contact information for any additional witnesses for follow up, if necessary.

Brady Material Disclosure

605.1 PURPOSE AND SCOPE

This policy establishes guidelines for identifying and releasing potentially exculpatory or impeachment information (so-called “*Brady* information”) to a prosecuting attorney.

605.1.1 DEFINITIONS

Definitions related to this policy include:

***Brady* information** - Information known or possessed by the Blue Ash Police Department that is both favorable and material to the current prosecution or defense of a criminal defendant.

605.2 POLICY

The Blue Ash Police Department will conduct fair and impartial criminal investigations and will provide the prosecution with both incriminating and exculpatory evidence, as well as information that may adversely affect the credibility of a witness. In addition to reporting all evidence of guilt, the Blue Ash Police Department will assist the prosecution by complying with its obligation to disclose information that is both favorable and material to the defense. The Department will identify and disclose to the prosecution potentially exculpatory information, as provided in this policy.

605.3 DISCLOSURE OF INVESTIGATIVE INFORMATION

Officers must include in their investigative reports adequate investigative information and reference to all material evidence and facts that are reasonably believed to be either incriminating or exculpatory to any individual in the case. If an officer learns of potentially incriminating or exculpatory information any time after submission of a case, the officer or the handling investigator must prepare and submit a supplemental report documenting such information as soon as practicable. Supplemental reports shall be promptly processed and transmitted to the prosecutor’s office.

If information is believed to be privileged or confidential (e.g., informant or attorney-client information, attorney work product), the officer should discuss the matter with a supervisor and/or prosecutor to determine the appropriate manner in which to proceed.

Evidence or facts are considered material if there is a reasonable probability that they would affect the outcome of a criminal proceeding or trial. Determining whether evidence or facts are material often requires legal or even judicial review. If an officer is unsure whether evidence or facts are material, the officer should address the issue with a supervisor.

Supervisors who are uncertain about whether evidence or facts are material should address the issue in a written memo to an appropriate prosecutor. A copy of the memo should be retained in the Department case file.

605.4 DISCLOSURE OF PERSONNEL INFORMATION

If a member of this department is a material witness in a criminal case, a person or persons designated by the Chief of Police shall examine the personnel file and/or internal affairs file of the

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officer to determine whether they contain *Brady* information. If *Brady* information is located, the following procedure shall apply:

- (a) In the event that a motion has not already been filed by the criminal defendant or other party, the prosecuting attorney and department member shall be notified of the potential presence of *Brady* material in the member's personnel file.
- (b) The prosecuting attorney or department counsel should be requested to file a motion in order to initiate an in-camera review by the court.
 - 1. If no motion is filed, the supervisor should work with counsel to determine whether the records should be disclosed to the prosecutor.
- (c) The Custodian of Records shall accompany all relevant personnel files during any in-camera inspection and address any issues or questions raised by the court.
- (d) If the court determines that there is relevant *Brady* information contained in the files, only that information ordered released will be copied and released to the parties filing the motion.
 - 1. Prior to the release of any information pursuant to this process, the Custodian of Records should request a protective order from the court limiting the use of such materials to the involved case and requiring the return of all copies upon completion of the case.
- (e) If a court has determined that relevant *Brady* information is contained in a member's file in any case, the prosecutor should be notified of that fact in all future cases involving that member.

The person or persons designated by the Chief of Police should periodically examine the personnel files and/or internal affairs files of all officers who may be material witnesses in criminal cases to determine whether they contain *Brady* information. The obligation to provide *Brady* information is ongoing. If any new *Brady* information is identified, the prosecuting attorney should be notified.

605.5 INVESTIGATING BRADY ISSUES

If the Department receives information from any source that a member may have issues of credibility, dishonesty or has been engaged in an act of moral turpitude or criminal conduct, the information shall be investigated and processed in accordance with the Personnel Complaints Policy.

Unmanned Aerial System

606.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for the use of a small unmanned aircraft system (sUAS) and for the storage, retrieval and dissemination of images and data captured by the sUAS.

606.1.1 DEFINITIONS

Definitions related to this policy include:

Unmanned aerial system (UAS) - An unmanned aircraft of any type that is capable of sustaining directed flight, whether preprogrammed or remotely controlled (commonly referred to as an unmanned aerial vehicle (UAV)), and all of the supporting or attached systems designed for gathering information through imaging, recording, or any other means.

606.2 POLICY

Small unmanned aircraft systems may be utilized to enhance the department's mission of protecting lives and property when other means and resources are not available or are less effective. Any use of a sUAS will be in strict accordance with constitutional and privacy rights, [14 CFR Part 107](#), and Federal Aviation Administration (FAA) regulations.

606.3 PRIVACY

The use of the UAS potentially involves privacy considerations. Absent a warrant or exigent circumstances, operators and observers shall not intentionally record or transmit images of any location where a person would have a reasonable expectation of privacy (e.g., residence, yard, enclosure). Operators and observers shall take reasonable precautions to avoid inadvertently recording or transmitting images of areas where there is a reasonable expectation of privacy. Reasonable precautions can include, for example, deactivating or turning imaging devices away from such areas or persons during UAS operations.

606.4 PROGRAM COORDINATOR

The Chief of Police will appoint a program coordinator who will be responsible for the management of the UAS program. The program coordinator will ensure that policies and procedures conform to current laws, regulations, and best practices and will have the following additional responsibilities:

- Coordinating the FAA Certificate of Waiver or Authorization (COA) application process and ensuring that the COA is current, and/or coordinating compliance with FAA Part 107 Remote Pilot Certificate, as appropriate for department operations.
- Ensuring that all authorized operators and required observers have completed all required FAA and department-approved training in the operation, applicable laws, policies, and procedures regarding use of the UAS.
- Developing uniform protocols for submission and evaluation of requests to deploy a UAS, including urgent requests made during ongoing or emerging incidents. Deployment of a UAS shall require written authorization of the Chief of Police or the authorized designee, depending on the type of mission.

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- Coordinating the completion of the FAA Emergency Operation Request Form in emergency situations, as applicable (e.g., natural disasters, search and rescue, emergency situations to safeguard human life).
- Developing protocols for conducting criminal investigations involving a UAS, including documentation of time spent monitoring a subject.
- Implementing a system for public notification of UAS deployment.
- Developing operational protocols governing the deployment and operation of a UAS including but not limited to safety oversight, use of visual observers, establishment of lost link procedures, and secure communication with air traffic control facilities.
- Developing a protocol for fully documenting all missions.
- Developing a UAS inspection, maintenance, and record-keeping protocol to ensure continuing airworthiness of a UAS, up to and including its overhaul or life limits.
- Developing protocols to ensure that all data intended to be used as evidence are accessed, maintained, stored, and retrieved in a manner that ensures its integrity as evidence, including strict adherence to chain of custody requirements. Electronic trails, including encryption, authenticity certificates, and date and time stamping, shall be used as appropriate to preserve individual rights and to ensure the authenticity and maintenance of a secure evidentiary chain of custody.
- Developing protocols that ensure retention and purge periods are maintained in accordance with established records retention schedules.
- Facilitating law enforcement access to images and data captured by the UAS.
- Recommending program enhancements, particularly regarding safety and information security.
- Ensuring that established protocols are followed by monitoring and providing periodic reports on the program to the Chief of Police.
- Maintaining familiarity with FAA regulatory standards, state laws and regulations, and local ordinances regarding the operations of a UAS.

606.5 USE OF UAS

Only authorized operators who have completed the required training shall be permitted to operate the UAS.

Use of vision enhancement technology (e.g., thermal and other imaging equipment not generally available to the public) is permissible in viewing areas only where there is no protectable privacy interest or when in compliance with a search warrant or court order. In all other instances, legal counsel should be consulted.

UAS operations should only be conducted consistent with FAA regulations.

606.6 PROHIBITED USE

The UAS video surveillance equipment shall not be used:

- To conduct random surveillance activities.

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- To target a person based solely on actual or perceived characteristics such as race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, economic status, age, cultural group, or disability.
- To harass, intimidate, or discriminate against any individual or group.
- To conduct personal business of any type.

The UAS shall not be weaponized.

606.7 RETENTION OF SMALL UNMANNED AIRCRAFT SYSTEM DATA

Data collected by the sUAS shall be retained as provided in the established records retention schedule.

Warrant Service

607.1 PURPOSE AND SCOPE

This policy establishes guidelines for the planning and serving of arrest and search warrants by members of this department. It is understood that this policy cannot address every variable or circumstance that can arise in the service of a search or arrest warrant, as these tasks can involve rapidly evolving and unique circumstances.

This policy is intended to be used in conjunction with the Operations Planning and Deconfliction Policy, which has additional guidance on planning and serving high-risk warrants.

This policy is not intended to address the service of search warrants on locations or property already secured or routine field warrant arrests by patrol officers.

607.2 POLICY

It is the policy of the Blue Ash Police Department to balance the safety needs of the public, the safety of department members, privacy interests and other relevant factors when making decisions related to the service of search and arrest warrants.

607.3 OPERATIONS DIRECTOR

The operations director (see the Operations Planning and Deconfliction Policy) shall review all risk assessment forms with the involved supervisor to determine the risk level of the warrant service.

The operations director will also have the responsibility to coordinate service of those warrants that are categorized as high risk. Deconfliction, risk assessment, operational planning, briefing and debriefing should follow guidelines in the Operations Planning and Deconfliction Policy.

607.4 SEARCH WARRANTS

Officers should receive authorization from a supervisor before preparing a search warrant application. Once authorization is received, the officer will prepare the affidavit and search warrant, consulting with the applicable prosecuting attorney as needed. He/she will also complete the risk assessment form and submit it, along with the warrant affidavit, to the appropriate supervisor and the operations director for review and classification of risk (see the Operations Planning and Deconfliction Policy).

607.5 ARREST WARRANTS

If an officer reasonably believes that serving an arrest warrant may pose a higher risk than commonly faced on a daily basis, the officer should complete the risk assessment form and submit it to the appropriate supervisor and the operations director for review and classification of risk (see the Operations Planning and Deconfliction Policy).

If the warrant is classified as high risk, service will be coordinated by the operations director. If the warrant is not classified as high risk, the supervisor should weigh the risk of entry into a residence to make an arrest against other alternatives, such as arresting the person outside the residence where circumstances may pose a lower risk.

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607.6 WARRANT PREPARATION

An officer who prepares a warrant should ensure the documentation in support of the warrant contains as applicable:

- (a) Probable cause to support the search or arrest, including relevant dates and times to demonstrate timeliness and facts to support any request for nighttime or no-knock warrant execution.
- (b) A clear explanation of the affiant's training, experience and relevant education.
- (c) Adequately supported opinions, when relevant, that are not left to unsubstantiated conclusions.
- (d) A nexus between the place to be searched and the persons or items central to the investigation. The facts supporting this nexus should be clear and current. For example, the affidavit shall explain why there is probable cause to believe that a particular person is currently residing at a particular location or that the items sought are present at a particular location.
- (e) Full disclosure of known or suspected residents at the involved location and any indication of separate living spaces at the involved location. For example, it should be disclosed that several people may be renting bedrooms at a single location, even if the exact location of the rooms is not known.
- (f) A specific description of the location to be searched, including photographs of the location, if reasonably available.
- (g) A sufficient description of the items to be seized.
- (h) Full disclosure of any known exculpatory information relevant to the warrant application (refer to the *Brady* Material Disclosure Policy).

607.7 HIGH-RISK WARRANT SERVICE

The operations director or the authorized designee shall coordinate the service of warrants that are categorized as high risk and shall have sole authority in determining the manner in which the warrant will be served, including the number of officers deployed.

The member responsible for directing the service should ensure the following as applicable:

- (a) When practicable and when doing so does not cause unreasonable risk, video or photographic documentation is made of the condition of the location prior to execution of a search warrant. The images should include the surrounding area and persons present.
- (b) The warrant service is audio- and video-recorded when practicable and reasonable to do so.
- (c) Evidence is handled and collected only by those members who are designated to do so. All other members involved in the service of the warrant should alert one of the designated members to the presence of potential evidence and not touch or disturb the items.
- (d) Reasonable efforts are made during the search to maintain or restore the condition of the location.

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- (e) Persons who are detained as part of the warrant service are handled appropriately under the circumstances.
- (f) Reasonable care provisions are made for children and dependent adults (see the Child and Dependent Adult Safety Policy).
- (g) A list is made of all items seized and a copy provided to the person in charge of the premises if present or otherwise left in a conspicuous place.
- (h) A copy of the search warrant is left at the location.
- (i) The condition of the property is documented with video recording or photographs after the search.

607.8 DETENTIONS DURING WARRANT SERVICE

Officers must be sensitive to the safety risks of all persons involved with the service of a warrant. Depending on circumstances and facts present, it may be appropriate to control movements of any or all persons present at a warrant service, including those who may not be the subject of a warrant or suspected in the case. However, officers must be mindful that only reasonable force may be used and weapons should be displayed no longer than the officer reasonably believes is necessary (see the Use of Force Policy).

As soon as it can be determined that an individual is not subject to the scope of a warrant and that no further reasonable suspicion or safety concerns exist to justify further detention, the person should be promptly released.

Officers should, when and to the extent reasonable, accommodate the privacy and personal needs of people who have been detained.

607.9 ACTIONS AFTER WARRANT SERVICE

The supervisor shall ensure that all affidavits, warrants, receipts and returns, regardless of any associated cases, are filed with the issuing judge or magistrate as soon as reasonably possible, but in any event no later than any date specified on the warrant.

607.10 OUTSIDE AGENCIES AND CROSS-JURISDICTIONAL WARRANTS

The operations director will ensure that cooperative efforts with other agencies in the service of warrants conform to existing mutual aid agreements or other memorandums of understanding and will work cooperatively to mitigate risks including, but not limited to, the following:

- Identity of team members
- Roles and responsibilities
- Familiarity with equipment
- Rules of engagement
- Asset forfeiture procedures

Any outside agency requesting assistance in the service of a warrant within this jurisdiction should be referred to the operations director. The director should review and confirm the warrant, including

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the warrant location, and should discuss the service with the appropriate supervisor from the other agency. The director should ensure that members of the Blue Ash Police Department are utilized appropriately. Any concerns regarding the requested use of Blue Ash Police Department members should be brought to the attention of the Chief of Police or the authorized designee. The actual service of the warrant will remain the responsibility of the agency requesting assistance.

If the operations director is unavailable, the Shift OIC should assume this role.

If officers intend to serve a warrant outside Blue Ash Police Department jurisdiction, the operations director should provide reasonable advance notice to the applicable agency, request assistance as needed and work cooperatively on operational planning and the mitigation of risks detailed in this policy.

Officers will remain subject to the policies of the Blue Ash Police Department when assisting outside agencies or serving a warrant outside Blue Ash Police Department jurisdiction.

607.11 MEDIA ACCESS

No advance information regarding warrant service operations shall be released without the approval of the Chief of Police. Any media inquiries or press release after the fact shall be handled in accordance with the Media Relations Policy.

607.12 TRAINING

The Administrative Lieutenant should ensure officers receive periodic training on this policy and associated topics, such as legal issues, warrant preparation, warrant service and reporting requirements.

Operations Planning and Deconfliction

608.1 PURPOSE AND SCOPE

This policy provides guidelines for planning, deconfliction and execution of high-risk operations.

Additional guidance on planning and serving high-risk warrants is provided in the Warrant Service Policy.

608.1.1 DEFINITIONS

Definitions related to this policy include:

High-risk operations - Operations, including service of search and arrest warrants and sting operations, that are likely to present higher risks than are commonly faced by officers on a daily basis, including suspected fortified locations, reasonable risk of violence or confrontation with multiple persons, or reason to suspect that persons anticipate the operation.

608.2 POLICY

It is the policy of the Blue Ash Police Department to properly plan and carry out high-risk operations, including participation in a regional deconfliction system, in order to provide coordination, enhance the safety of members and the public, decrease the risk of compromising investigations and prevent duplicating efforts.

608.3 OPERATIONS DIRECTOR

The Chief of Police will designate a member of this department to be the operations director.

The operations director will develop and maintain a risk assessment form to assess, plan and coordinate operations. This form should provide a process to identify high-risk operations.

The operations director will review risk assessment forms with involved supervisors to determine whether a particular incident qualifies as a high-risk operation. The director will also have the responsibility for coordinating operations that are categorized as high risk.

608.4 RISK ASSESSMENT

608.4.1 RISK ASSESSMENT FORM PREPARATION

Officers assigned as operational leads for any operation that may qualify as a high-risk operation shall complete a risk assessment form.

When preparing the form, the officer should query all relevant and reasonably available intelligence resources for information about the subject of investigation, others who may be present and the involved location. These sources may include regional intelligence and criminal justice databases, target deconfliction systems, firearm records, commercial databases and property records. Where appropriate, the officer should also submit information to these resources.

The officer should gather available information that includes, but is not limited to:

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- (a) Photographs, including aerial photographs, if available, of the involved location, neighboring yards and obstacles.
- (b) Maps of the location.
- (c) Diagrams of any property and the interior of any buildings that are involved.
- (d) Historical information about the subject of investigation (e.g., history of weapon possession or use, known mental illness, known drug use, threats against police, gang affiliation, criminal history).
- (e) Historical information about others who may be present at the location (e.g., other criminals, innocent third parties, dependent adults, children, animals).
- (f) Obstacles associated with the location (e.g., fortification, booby traps, reinforced doors/windows, surveillance measures, number and type of buildings, geographic and perimeter barriers, the number and types of weapons likely to be present, information that suggests the presence of explosives, chemicals or other hazardous materials, the potential for multiple dwellings or living spaces, availability of keys/door combinations).
- (g) Other environmental factors (e.g., nearby venues such as schools and day care centers, proximity of adjacent homes or other occupied buildings, anticipated pedestrian and vehicle traffic at the time of service).
- (h) Other available options that may minimize the risk to officers and others (e.g., making an off-site arrest or detention of the subject of investigation).

608.4.2 RISK ASSESSMENT REVIEW

Officers will present the risk assessment form and other relevant documents (such as copies of search warrants and affidavits and arrest warrants) to their supervisor and the operations director.

The supervisor and operations director shall confer and determine the level of risk. Supervisors should take reasonable actions if there is a change in circumstances that elevates the risks associated with the operation.

608.4.3 HIGH-RISK OPERATIONS

If the operations director, after consultation with the involved supervisor, determines that the operation is high risk, the operations director should:

- (a) Determine what resources will be needed at the location, and contact and/or place on standby any of the following appropriate and available resources:
 - 1. SWAT (SWAT)
 - 2. Additional personnel
 - 3. Outside agency assistance
 - 4. Special equipment
 - 5. Medical personnel
 - 6. Persons trained in negotiation
 - 7. Additional surveillance

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8. Canines
 9. Property Unit or analytical personnel to assist with cataloguing seizures
 10. Forensic specialists
 11. Specialized mapping for larger or complex locations
- (b) Contact the appropriate department members or other agencies as warranted to begin preparation.
 - (c) Ensure that all legal documents such as search warrants are complete and have any modifications reasonably necessary to support the operation.
 - (d) Coordinate the actual operation.

608.5 DECONFLICTION

Deconfliction systems are designed to identify persons and locations associated with investigations or law enforcement operations and alert participating agencies when others are planning or conducting operations in close proximity or time or are investigating the same individuals, groups or locations.

The officer who is the operations lead shall ensure the subject of investigation and operations information have been entered in an applicable deconfliction system to determine if there is reported conflicting activity. This should occur as early in the process as practicable, but no later than two hours prior to the commencement of the operation. The officer should also enter relevant updated information when it is received.

If any conflict is discovered, the supervisor will contact the involved jurisdiction and resolve the potential conflict before proceeding.

608.6 OPERATIONS PLAN

The operations director should ensure that a written operations plan is developed for all high-risk operations. Plans should also be considered for other operations that would benefit from having a formal plan.

The plan should address such issues as:

- (a) Operation goals, objectives and strategies.
- (b) Operation location and people:
 1. The subject of investigation (e.g., history of weapon possession/use, known mental illness issues, known drug use, threats against police, gang affiliation, criminal history)
 2. The location (e.g., fortification, booby traps, reinforced doors/windows, surveillance cameras and/or lookouts, number/type of buildings, geographic and perimeter barriers, the number and types of weapons likely to be present, information that suggests the presence of explosives, chemicals or other hazardous materials, the potential for multiple dwellings or living spaces,

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- availability of keys/door combinations), including aerial photos, if available, and maps of neighboring yards and obstacles, diagrams and other visual aids
- 3. Other environmental factors (e.g., nearby venues such as schools and day care centers, proximity of adjacent homes or other occupied buildings, anticipated pedestrian and vehicle traffic at the time of service)
- 4. Identification of other people who may be present in or around the operation, such as other criminal suspects, innocent third parties and children
- (c) Information from the risk assessment form by attaching a completed copy in the operational plan.
 - 1. The volume or complexity of the information may indicate that the plan includes a synopsis of the information contained on the risk assessment form to ensure clarity and highlighting of critical information.
- (d) Participants and their roles.
 - 1. An adequate number of uniformed officers should be included in the operation team to provide reasonable notice of a legitimate law enforcement operation.
 - 2. How all participants will be identified as law enforcement.
- (e) Whether deconfliction submissions are current and all involved individuals, groups and locations have been deconflicted to the extent reasonably practicable.
- (f) Identification of all communications channels and call-signs.
- (g) Use of force issues.
- (h) Contingencies for handling medical emergencies (e.g., services available at the location, closest hospital, closest trauma center).
- (i) Plans for detaining people who are not under arrest.
- (j) Contingencies for handling children, dependent adults, animals and other people who might be at the location in accordance with the Child Abuse, Adult or Vulnerable Person Abuse, Child and Dependent Adult Safety and Animal Control Procedures policies.
- (k) Communications plan.
- (l) Responsibilities for writing, collecting, reviewing and approving reports.

608.6.1 OPERATIONS PLAN RETENTION

Since the operations plan contains intelligence information and descriptions of law enforcement tactics, it shall not be filed with the report. The operations plan shall be stored separately and retained in accordance with the established records retention schedule.

608.7 OPERATIONS BRIEFING

A briefing should be held prior to the commencement of any high-risk operation to allow all participants to understand the operation, see and identify each other, identify roles and responsibilities and ask questions or seek clarification as needed. Anyone who is not present at the briefing should not respond to the operation location without specific supervisory approval.

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- (a) The briefing should include a verbal review of plan elements, using visual aids, to enhance the participants' understanding of the operations plan.
- (b) All participants should be provided a copy of the operations plan and search warrant, if applicable. Participating personnel should be directed to read the search warrant and initial a copy that is retained with the operation plan. Any items to be seized should be identified at the briefing.
- (c) The operations director shall ensure that all participants are visually identifiable as law enforcement officers.
 - 1. Exceptions may be made by the operations director for officers who are conducting surveillance or working under cover. However, those members exempt from visual identification should be able to transition to a visible law enforcement indicator at the time of enforcement actions, such as entries or arrests, if necessary.
- (d) The briefing should include details of the communications plan.
 - 1. It is the responsibility of the operations director to ensure that Dispatch is notified of the time and location of the operation, and to provide a copy of the operation plan prior to officers arriving at the location.
 - 2. If the radio channel needs to be monitored by Dispatch, the dispatcher assigned to monitor the operation should attend the briefing, if practicable, but at a minimum should receive a copy of the operation plan.
 - 3. The briefing should include a communications check to ensure that all participants are able to communicate with the available equipment on the designated radio channel.

608.8 SWAT PARTICIPATION

If the operations director determines that SWAT participation is appropriate, the director and the SWAT supervisor shall work together to develop a written plan. The SWAT supervisor shall assume operational control until all persons at the scene are appropriately detained and it is safe to begin a search. When this occurs, the SWAT supervisor shall transfer control of the scene to the handling supervisor. This transfer should be communicated to the officers present.

608.9 MEDIA ACCESS

No advance information regarding planned operations shall be released without the approval of the Chief of Police. Any media inquiries or press release after the fact shall be handled in accordance with the Media Relations Policy.

608.10 OPERATIONS DEBRIEFING

High-risk operations should be debriefed as soon as reasonably practicable. The debriefing should include as many participants as possible. This debrief may be separate from any SWAT debriefing.

608.11 TRAINING

The Administrative Lieutenant should ensure officers and SWAT team members who participate in operations subject to this policy should receive periodic training including, but not limited to,

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topics such as legal issues, deconfliction practices, operations planning concepts and reporting requirements.

Drug Law Enforcement Fund Policy

609.1 PURPOSE

This policy complies with Ohio Revised Code §2925.03(F)(2) and provides guidance to department members regarding the expenditures of monies received by the City of Blue Ash pursuant to §2925.03 of the Ohio Revised Code.

609.2 POLICY

The City of Blue Ash shall establish a Drug Law Enforcement Fund governing the City's use and disposition of all fine monies and shall provide separate detailed accounting for receipt and expense of fines received by the City of Blue Ash pursuant to Ohio Revised Code §2925.03.

The Blue Ash Police Department shall use these fines to subsidize its efforts pertaining to drug offenses. The identification of any specific expenditure that is made as part of an ongoing investigation is not permitted.

609.3 PUBLIC RECORDS

All financial records of the receipts of these fines, the general types of expenditures made, and the specific amount of each general type of expenditure are public records open for inspection under §149.43 of the Ohio Revised Code.

Chapter 7 - Equipment

Department-Owned and Personal Property

700.1 PURPOSE AND SCOPE

This policy addresses the care of department-owned property and the role of the Department when personal property, the property of another, or department-owned property is damaged or lost.

700.2 POLICY

The Blue Ash Police Department will ensure that members are issued appropriate property and equipment necessary for the member's job function. The department will take steps to minimize the cost associated with maintaining department property, including personal property authorized for use in the member's duties.

700.3 DEPARTMENT-ISSUED PROPERTY

The Administration supervisor should document all property and equipment issued by the Department in the appropriate file at the time of issuance. Receipt of issued items shall be acknowledged by the receiving member's signature. Upon separation from the Department, all issued property and equipment shall be returned. Documentation of the return shall be acknowledged by the signature of a supervisor.

700.3.1 MEMBER RESPONSIBILITIES

Members shall be responsible for the safekeeping, serviceable condition, proper care, proper use, and replacement of department property that has been assigned or entrusted to them.

- (a) Members shall promptly report, through their chain of command, any loss, damage to, or unserviceable condition of any department-issued property or equipment.
- (b) The use of damaged or unserviceable property should be discontinued as soon as practicable, and the item replaced with a comparable item as soon as available.
- (c) Except when otherwise directed by a supervisor or when exigent circumstances exist, department-issued property shall only be used by those to whom it was assigned. Use should be limited to official purposes and in the capacity for which it was designed.
- (d) Department-issued property shall not be thrown away, sold, traded, donated, destroyed, or otherwise disposed of without prior approval.
- (e) Members should obtain a supervisor's approval before any attempt to repair damaged or unserviceable property, unless the repair is of a minor or temporary nature.

700.4 PERSONAL PROPERTY

Carrying and/or using personal property or equipment on-duty requires prior written approval by the Chief of Police or the appropriate Bureau Commander. The member should submit a request that includes a description of the property and the reason and length of time it will be used. Personal property of the type routinely carried by persons who are not performing law enforcement duties, and that is not a weapon, is excluded from this requirement.

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The Department will not replace or repair items (e.g., jewelry, expensive watches) that are not reasonably required as part of work.

700.4.1 FILING CLAIMS FOR PERSONAL PROPERTY

A member requesting reimbursement for damage to, or loss of, personal property must submit the request in writing to the member's immediate supervisor. The supervisor may require a separate written report.

Upon review by command staff and a finding that no misconduct or negligence was involved, repair or replacement may be recommended by the Chief of Police, who will then forward the claim to the City department responsible for issuing payments. The amount of reimbursement may be limited by applicable collective bargaining agreement(s).

700.5 SUPERVISOR RESPONSIBILITIES

The supervisor receiving a report that property, including personal property authorized for use, has been damaged should conduct an investigation and direct a memo to the appropriate Bureau Commander. The memo should include the result of the investigation and whether reasonable care was taken to prevent the loss, damage, or unserviceable condition.

Cases where the supervisor has reason to believe that misconduct or negligence was involved in the loss, damage, or unserviceable condition of property should be handled in accordance with the Standards of Conduct and Personnel Complaints policies.

700.6 DAMAGE OF PROPERTY OF ANOTHER PERSON OR ENTITY

Members who intentionally or unintentionally damage or cause to be damaged the real or personal property of another person or entity while performing any law enforcement function shall promptly report the damage through the member's chain of command.

700.6.1 DAMAGE BY PERSONNEL OF ANOTHER AGENCY

Personnel from another agency may intentionally or unintentionally cause damage to the real or personal property of the City of Blue Ash or of another person while performing their duties within the jurisdiction of this department. The department member present or the member responsible for the property is responsible to report the damage as follows:

- (a) A verbal report shall be made to the member's immediate supervisor as soon as circumstances permit.
- (b) A written report shall be submitted before the member goes off-duty or as otherwise directed by the supervisor.

Personal Communication Devices

701.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for the use of mobile telephones and communication devices, whether issued or funded by the Department or personally owned, while on-duty or when used for authorized work-related purposes.

This policy generically refers to all such devices as Personal Communication Devices (PCDs) but is intended to include all mobile telephones, personal digital assistants (PDAs), wireless capable tablets and similar wireless two-way communications and/or portable internet access devices. PCD use includes, but is not limited to, placing and receiving calls, text messaging, blogging and microblogging, e-mailing, using video or camera features, playing games and accessing sites or services on the internet.

701.2 POLICY

The Blue Ash Police Department allows members to utilize department-issued or funded PCDs and to possess personally owned PCDs in the workplace, subject to certain limitations. Any PCD used while on-duty, or used off-duty in any manner reasonably related to the business of the Department, will be subject to monitoring and inspection consistent with the standards set forth in this policy.

The inappropriate use of a PCD while on-duty may impair officer safety. Additionally, members are advised and cautioned that the use of a personally owned PCD either on-duty or after duty hours for business-related purposes may subject the member and the member's PCD records to civil or criminal discovery or disclosure under applicable public records laws.

Members who have questions regarding the application of this policy or the guidelines contained herein are encouraged to seek clarification from supervisory staff.

701.3 PRIVACY EXPECTATION

Members forfeit any expectation of privacy with regard to any communication accessed, transmitted, received or reviewed on any PCD issued or funded by the Department and shall have no expectation of privacy in their location should the device be equipped with location detection capabilities (see the Information Technology Use Policy for additional guidance).

701.4 DEPARTMENT-ISSUED PCD

Depending on a member's assignment and the needs of the position, the Department may, at its discretion, issue or fund a PCD for the member's use to facilitate on-duty performance. Department-issued or -funded PCDs may not be used for personal business either on- or off-duty unless authorized by the Chief of Police or the authorized designee. Such devices and the associated telephone number, if any, shall remain the sole property of the Department and shall be subject to inspection or monitoring (including all related records and content) at any time without notice and without cause.

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Unless a member is expressly authorized by the Chief of Police or the authorized designee for off-duty use of the PCD, the PCD will either be secured in the workplace at the completion of the tour of duty or turned off when leaving the workplace.

701.5 PERSONALLY OWNED PCD

Members may carry a personally owned PCD while on-duty, subject to the following conditions and limitations:

- (a) Permission to carry a personally owned PCD may be revoked if it is used contrary to provision of this policy.
- (b) The Department accepts no responsibility for loss of or damage to a personally owned PCD.
- (c) The PCD and any associated services shall be purchased, used and maintained solely at the member's expense.
- (d) The device should not be used for work-related purposes except in exigent circumstances (unavailability of radio communications). Members will have a reduced expectation of privacy when using a personally owned PCD in the workplace and have no expectation of privacy with regard to any department business-related communication.
 - 1. Members may use personally owned PCDs on-duty for routine administrative work as authorized by the Chief of Police.
- (e) The device shall not be utilized to record or disclose any business-related information, including photographs, video or the recording or transmittal of any information or material obtained or made accessible as a result of employment with the Department, without the express authorization of the Chief of Police or the authorized designee.
- (f) Use of a personally owned PCD while at work or for work-related business constitutes consent for the Department to access the PCD to inspect and copy data to meet the needs of the Department, which may include litigation, public records retention and release obligations and internal investigations. If the PCD is carried on-duty, members will provide the Department with the telephone number of the device.
- (g) All work-related documents, emails, photographs, recordings or other public records created or received on a member's personally owned PCD should be transferred to the Blue Ash Police Department and deleted from the member's PCD as soon as reasonably practicable but no later than the end of the member's shift.

Except with prior express authorization from their supervisors, members are not obligated or required to carry, access, monitor or respond to electronic communications using a personally owned PCD while off-duty. If a member is in an authorized status that allows for appropriate compensation consistent with policy or existing collective bargaining agreements, or if the member has prior express authorization from his/her supervisor, the member may engage in business-related communications. Should members engage in such approved off-duty communications

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or work, members entitled to compensation shall promptly document the time worked and communicate the information to their supervisors to ensure appropriate compensation. Members who independently document off-duty department-related business activities in any manner shall promptly provide the Department with a copy of such records to ensure accurate record keeping.

701.6 USE OF PCD

The following protocols shall apply to all PCDs that are carried while on-duty or used to conduct department business:

- (a) A PCD shall not be carried in a manner that allows it to be visible while in uniform, unless it is in an approved carrier.
- (b) A PCD may not be used to conduct personal business while on-duty, except for brief personal communications (e.g., informing family of extended hours). Employees shall endeavor to limit their use of PCDs to authorized break times, unless an emergency exists.
- (c) Employees may use a PCD to communicate with other personnel in situations where the use of the radio is either impracticable or not feasible. PCDs should not be used as a substitute for, as a way to avoid or in lieu of regular radio communications.
- (d) Officers are prohibited from taking pictures, video or making audio recording or making copies of any such picture or recording media unless it is directly related to official department business. Disclosure of any such information to any third party through any means, without the express authorization of the Chief of Police or the authorized designee, may result in discipline.
- (e) Employees will not access social networking sites for any purpose that is not official department business.
- (f) Using PCDs to harass, threaten, coerce or otherwise engage in inappropriate conduct with any third party is prohibited. Any employee having knowledge of such conduct shall promptly notify a supervisor.

701.7 SUPERVISOR RESPONSIBILITIES

The responsibilities of supervisor include, but are not limited to:

- (a) Ensuring that members under their command are provided appropriate training on the use of PCDs consistent with this policy.
- (b) Monitoring, to the extent practicable, PCD use in the workplace and taking prompt corrective action if a member is observed or reported to be improperly using a PCD.
 - 1. An investigation into improper conduct should be promptly initiated when circumstances warrant.
 - 2. Before conducting any administrative search of a member's personally owned device, supervisors should consult with the Chief of Police or the authorized designee.

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701.8 USE WHILE DRIVING

The use of a PCD while driving can adversely affect safety, cause unnecessary distractions and present a negative image to the public. Officers operating emergency vehicles should restrict the use of these devices to matters of an urgent nature and should, where practicable, stop the vehicle at an appropriate location to use the PCD (ORC § 4511.204).

Except in an emergency, members who are operating vehicles that are not equipped with lights and siren shall not use a PCD while driving unless the device is specifically designed and configured to allow hands-free use (ORC § 4511.204). Hands-free use should be restricted to business-related calls or calls of an urgent nature.

701.9 OFFICIAL USE

Members are reminded that PCDs are not secure devices and conversations may be intercepted or overheard. Caution should be exercised while utilizing PCDs to ensure that sensitive information is not inadvertently transmitted. As soon as reasonably possible, members shall conduct sensitive or private communications on a land-based or other department communications network.

Vehicle Maintenance

702.1 PURPOSE AND SCOPE

Employees are responsible for assisting in maintaining Department vehicles so that they are properly equipped, maintained, refueled and present a clean appearance.

702.2 DEFECTIVE VEHICLES

When a Department vehicle becomes inoperative or in need of repair that affects the safety of the vehicle, that vehicle shall be removed from service for repair. Proper documentation shall be promptly completed by the employee who becomes aware of the defective condition. Paperwork, describing the correction needed, shall be promptly forwarded to vehicle maintenance for repair.

702.2.1 SUSPECTED DAMAGE OR POOR PERFORMANCE

Vehicles that may have suffered damage, perform poorly or whose control or safety features has been diminished shall be immediately removed from service for inspection and repair.

702.2.2 SEVERE USE INSPECTION

Vehicles operated under severe use conditions, including rough roadway or off-road operation, hard or extended braking, pursuits or prolonged high-speed operation, should be removed from service and subjected to a safety inspection as soon as reasonably possible.

702.2.3 REMOVAL OF WEAPONS

All firearms, weapons and kinetic impact weapons shall be removed from a vehicle and properly secured in the armory prior to the vehicle being released for maintenance, service or repair.

702.3 VEHICLE EQUIPMENT

Certain items shall be maintained in all Department vehicles for emergency purposes and to perform routine duties.

702.3.1 PATROL VEHICLES

Officers shall inspect the patrol vehicle at the beginning of the shift and ensure that the following equipment, at a minimum, is present in the vehicle:

- 20 emergency road flares
- 1 roll crime scene barricade tape
- 1 first-aid kit, CPR mask
- 1 blanket
- 1 fire extinguisher
- 1 bloodborne pathogen kit, including protective gloves and NIOSH particulate respirator mask
- 1 hazardous waste disposal bag

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- 1 traffic safety vest
- 1 hazardous materials emergency response handbook
- 1 camera

702.4 VEHICLE REFUELING

Absent emergency conditions or supervisor approval, officers driving patrol vehicles shall not place or operate a vehicle in service that has less than one-quarter tank of fuel. Vehicles shall only be refueled at an authorized location. Patrol vehicles should be refueled at the end of each shift.

702.5 WASHING OF VEHICLES

All units shall be kept clean at all times and, weather conditions permitting, shall be washed as necessary to enhance their appearance.

Employees using a vehicle shall remove any trash or debris at the end of the shift. Confidential documents should be placed in a designated receptacle provided for the shredding of this material.

702.6 NON-SWORN EMPLOYEE USE

Non-sworn employees using marked vehicles shall ensure all weapons are removed from the vehicle before going into service. Non-sworn employees shall also prominently display the "out of service" placards or light bar covers at all times. Non-sworn employees shall not operate the emergency lights or siren of any vehicle unless expressly authorized by a supervisor.

Vehicle Use

703.1 PURPOSE AND SCOPE

The purpose of this policy is to establish a system of accountability to ensure department vehicles are used appropriately. This policy provides guidelines for on- and off-duty use of department vehicles and shall not be construed to create or imply any contractual obligation by the City of Blue Ash to provide assigned take-home vehicles.

703.2 POLICY

The Blue Ash Police Department provides vehicles for department-related business and may assign patrol and unmarked vehicles based on a determination of operational efficiency, economic impact to the Department, requirements for tactical deployments and other considerations.

703.3 USE OF VEHICLES

703.3.1 SAFETY FEATURES

All safety equipment/devices will be utilized and turned on when in use.

- (a) Electronic stability control may be turned off if vehicle is stuck.
- (b) Daytime running lights may be turned off during surveillance.

703.3.2 SHIFT ASSIGNED VEHICLES

The Shift OIC shall ensure that the shift line-up indicating member assignments and vehicle numbers is completed for each shift. If a member exchanges vehicles during his/her shift, the new vehicle number shall be documented in the blotter.

703.3.3 OTHER USE OF VEHICLES

Members utilizing a vehicle for any purpose other than their normally assigned duties or normal vehicle assignment (e.g., transportation to training, community event) shall first notify the Shift OIC. A notation will be made in the blotter indicating the member's name and vehicle number.

This subsection does not apply to those who are assigned to vehicle transportation duties to and from maintenance.

703.3.4 SECURITY AND UNATTENDED VEHICLES

Unattended vehicles should be locked and secured at all times. No key should be left in the vehicle (unless garaged or secured at the PD) except when it is necessary that the vehicle be left running (e.g., continued activation of emergency lights, canine safety, equipment charging -the Secure Idle system should be utilized, if available). Officers who exit a vehicle rapidly in an emergency situation or to engage in a foot pursuit must carefully balance the need to exit the vehicle quickly with the need to secure the vehicle.

Members shall ensure all weapons are secured while the vehicle is unattended.

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703.3.5 MDC

Members assigned to vehicles equipped with a Mobile Data Computer (MDC) shall log onto the MDC with the required information when going on-duty. If the vehicle is not equipped with a working MDC, the member shall notify Dispatch. Use of the MDC is governed by the Mobile Data Computer Use Policy.

703.3.6 AUTHORIZED PASSENGERS

Members operating City-owned vehicles shall not permit persons other than City members or persons required to be conveyed in the performance of duty, or as otherwise authorized, to ride as a passenger in their vehicle.

703.3.7 KEYS

Members approved to operate marked patrol vehicles should be issued a copy of the key as part of their initial equipment distribution. Members who are assigned a specific vehicle should be issued keys for that vehicle.

Members shall not duplicate keys. The loss of a key shall be promptly reported in writing through the member's chain of command.

703.3.8 INSPECTIONS

Members shall be responsible for inspecting the interior and exterior of any assigned vehicle before taking the vehicle into service and at the conclusion of their shifts. Any previously unreported damage, mechanical problems, unauthorized contents or other problems with the vehicle shall be promptly reported to a supervisor and documented as appropriate.

The interior of any vehicle that has been used to transport any person other than a member of this department should be inspected prior to placing another person in the vehicle and again after the person is removed. This is to ensure that unauthorized or personal items have not been left in the vehicle.

When transporting any suspect, prisoner or arrestee, the transporting member shall search all areas of the vehicle that are accessible by the person before and after that person is transported.

All department vehicles are subject to inspection and/or search at any time by a supervisor without notice and without cause. No member assigned to or operating such vehicle shall be entitled to any expectation of privacy with respect to the vehicle or its contents.

703.3.9 AUTHORIZED PASSENGERS

Members operating department vehicles shall not permit persons other than City personnel or persons required to be conveyed in the performance of duty, or as otherwise authorized, to ride as passengers in the vehicle, except as stated in the Ride-Along Policy.

703.3.10 ALCOHOL

Members who have consumed alcohol are prohibited from operating any department vehicle unless it is required by the duty assignment (e.g., task force, undercover work). Regardless of assignment, members may not violate state law regarding vehicle operation while intoxicated.

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703.3.11 PARKING

Except when responding to an emergency or when urgent department-related business requires otherwise, members driving department vehicles should obey all parking regulations at all times.

Department vehicles should be parked in assigned stalls. Members shall not park privately owned vehicles in stalls assigned to department vehicles or in other areas of the parking lot that are not so designated unless authorized by a supervisor. Privately owned motorcycles shall be parked in designated areas.

703.3.12 ACCESSORIES AND/OR MODIFICATIONS

There shall be no modifications, additions or removal of any equipment or accessories without permission from the Administration Bureau Commander.

703.4 INDIVIDUAL MEMBER ASSIGNMENT TO VEHICLES

Department vehicles may be assigned to individual members at the discretion of the Chief of Police. Vehicles may be assigned for on-duty and/or take-home use. Assigned vehicles may be changed at any time. Permission to take home a vehicle may be withdrawn at any time.

The assignment of vehicles may be suspended when the member is unable to perform his/her regular assignment.

703.4.1 ON-DUTY USE

Vehicle assignments shall be based on the nature of the member's duties, job description and essential functions, and employment or appointment status. Vehicles may be reassigned or utilized by other department members at the discretion of the Chief of Police or the authorized designee.

703.4.2 UNSCHEDULED TAKE-HOME USE

Circumstances may arise where department vehicles must be used by members to commute to and from a work assignment. Members may take home department vehicles only with prior approval of a supervisor and shall meet the following criteria:

- (a) The circumstances are unplanned and were created by the needs of the department.
- (b) Other reasonable transportation options are not available.
- (c) The member lives within a reasonable distance (generally not to exceed a 60-minute drive time) of the Blue Ash City limits.
- (d) Off-street parking will be available at the member's residence.
- (e) Vehicles will be locked when not attended.
- (f) All firearms, weapons and control devices will be removed from the interior of the vehicle and properly secured in the residence when the vehicle is not attended, unless the vehicle is parked in a locked garage.

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703.4.3 ASSIGNED VEHICLES

Assignment of take-home vehicles shall be based on the location of the member's residence, the nature of the member's duties, job description and essential functions, and employment or appointment status.

Members are cautioned that under federal and local tax rules, personal use of a City vehicle may create an income tax liability for the member. Questions regarding tax rules should be directed to the member's tax adviser.

Criteria for use of take-home vehicles include the following:

- (a) Vehicles shall only be used for work-related purposes and shall not be used for personal errands or transports, unless special circumstances exist and the Chief of Police or a Bureau Commander gives authorization.
- (b) Vehicles may be used to transport the member to and from the member's residence for work-related purposes.
- (c) Vehicles will not be used when off-duty except:
 - 1. In circumstances when a member has been placed on call by the Chief of Police or Bureau Commanders and there is a high probability that the member will be called back to duty.
 - 2. When the member is performing a work-related function during what normally would be an off-duty period, including vehicle maintenance or travelling to or from a work-related activity or function.
 - 3. When the member has received permission from the Chief of Police or Bureau Commanders.
 - 4. When the vehicle is being used by the Chief of Police, Bureau Commanders or members who are in on-call administrative positions.
 - 5. When the vehicle is being used by on-call investigators.
- (d) While operating the vehicle, authorized members will carry and have accessible their duty firearms and be prepared to perform any function they would be expected to perform while on-duty.
- (e) The two-way communications radio, MDC, if equipped, must be on and set to an audible volume when the vehicle is in operation.
- (f) Unattended vehicles are to be locked and secured at all times.
 - 1. No key should be left in the vehicle except when it is necessary that the vehicle be left running (e.g., continued activation of emergency lights, canine safety, equipment charging).
 - 2. All weapons shall be secured while the vehicle is unattended.
 - 3. All department identification, portable radios and equipment should be secured.
- (g) Vehicles are to be parked off-street at the member's residence unless prior arrangements have been made with the Chief of Police or the authorized designee. If the vehicle is not secured inside a locked garage, all firearms and kinetic impact

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weapons shall be removed and properly secured in the residence (see the Firearms Policy regarding safe storage of firearms at home).

- (h) Vehicles are to be secured at the member's residence or the appropriate department facility, at the discretion of the Department when a member will be away (e.g., on vacation) for periods exceeding one week.
 - 1. If the vehicle remains at the residence of the member, the Department shall have access to the vehicle.
 - 2. If the member is unable to provide access to the vehicle, it shall be parked at the Department.
- (i) The member is responsible for ensuring the care and maintenance of the vehicle.

703.4.4 ENFORCEMENT ACTIONS

When driving a take-home vehicle to and from work outside of the jurisdiction of the Blue Ash Police Department or while off-duty, an officer shall not initiate enforcement actions except in those circumstances where a potential threat to life or serious property damage exists (see the Off-Duty Law Enforcement Actions and Law Enforcement Authority policies).

Officers may render public assistance when it is deemed prudent (e.g., to a stranded motorist).

Officers driving take-home vehicles shall be armed, appropriately attired and carry their department-issued identification. Officers should also ensure that department radio communication capabilities are maintained to the extent feasible.

703.4.5 MAINTENANCE

Members are responsible for the cleanliness (exterior and interior) and overall maintenance of their assigned vehicles. Cleaning and maintenance supplies will be provided by the Department. Failure to adhere to these requirements may result in discipline and loss of vehicle assignment. The following should be performed as outlined below:

- (a) Members shall make daily inspections of their assigned vehicles for service/maintenance requirements and damage.
- (b) It is the member's responsibility to ensure that his/her assigned vehicle is maintained according to the established service and maintenance schedule.
- (c) All scheduled vehicle maintenance and car washes shall be performed as necessary at a facility approved by the department.
- (d) The Department shall be notified of problems with the vehicle and approve any major repairs before they are performed.
- (e) All weapons shall be removed from any vehicle left for maintenance.
- (f) Supervisors shall make, at a minimum, quarterly inspections of vehicles assigned to members under their command to ensure the vehicles are being maintained in accordance with this policy.

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703.5 UNMARKED VEHICLES

Any use of unmarked vehicles by those who are not assigned to the bureau to which the vehicle is assigned shall record the use with the Shift OIC and in the blotter.

703.6 DAMAGE, ABUSE AND MISUSE

When any department vehicle is involved in a traffic collision or otherwise incurs damage, the involved member shall promptly notify a supervisor. Any traffic collision report shall be filed with the agency having jurisdiction (see the Traffic Collision Response and Reporting Policy).

Damage to any department vehicle that was not caused by a traffic collision shall be immediately reported during the shift in which the damage was discovered and forwarded to the Administration Bureau Commander.

703.7 ATTIRE AND APPEARANCE

When operating any department vehicle while off-duty, members may dress in a manner appropriate for their intended activity. Whenever in view of or in contact with the public, attire and appearance, regardless of the activity, should be suitable to reflect positively upon the Department.

Personal Protective Equipment

704.1 PURPOSE AND SCOPE

This policy identifies the different types of personal protective equipment (PPE) provided by the Department as well the requirements and guidelines for the use of PPE.

This policy does not address ballistic vests or protection from communicable disease, as those issues are addressed in the Body Armor and Communicable Diseases policies.

704.1.1 DEFINITIONS

Definitions related to this policy include:

Personal protective equipment (PPE) - Equipment that protects a person from serious workplace injuries or illnesses resulting from contact with chemical, radiological, physical, electrical, mechanical or other workplace hazards.

Respiratory PPE - Any device that is worn by the user to protect from exposure to atmospheres where there is smoke, low levels of oxygen, high levels of carbon monoxide, or the presence of toxic gases or other respiratory hazards. For purposes of this policy, respiratory PPE does not include particulate-filtering masks such as N95 or N100 masks.

704.2 POLICY

The Blue Ash Police Department endeavors to protect members by supplying certain PPE to members as provided in this policy.

704.3 OFFICER RESPONSIBILITIES

Members are required to use PPE as provided in this policy and pursuant to their training.

Members are responsible for proper maintenance and storage of issued PPE. PPE shall be carried in the member's vehicle while on-duty so that it is available when needed.

Any member who identifies hazards in the workplace is encouraged to utilize the procedures in the Illness and Injury Prevention Policy to recommend new or improved PPE or additional needs for PPE.

704.4 HEARING PROTECTION

Approved hearing protection shall be used by members during firearms training.

Hearing protection shall meet or exceed the requirements provided in OAC § 4167-3-03 and 29 CFR 1910.95.

704.5 EYE PROTECTION

Approved eye protection, including side protection, shall be used by members during firearms training. Eye protection for members who wear prescription lenses shall incorporate the prescription (e.g., eye protection that can be worn over prescription lenses). Members shall ensure their eye protection does not interfere with the fit of their hearing protection.

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The Rangemaster shall ensure eye protection meets or exceeds the requirements provided in OAC § 4167-3-03 and 29 CFR 1910.133.

704.6 HEAD PROTECTION

Members who make arrests or control crowds should be provided head protection with an attachable face shield. Each member will also be provided a ballistic helmet.

704.7 RESPIRATORY PROTECTION

The Administration Bureau Commander is responsible for ensuring a respiratory protection plan is developed and maintained by a trained and qualified member. The plan shall include procedures for (OAC § 4167-3-03; 29 CFR 1910.134):

- (a) Selecting appropriate respiratory PPE based on hazards and risks associated with functions or positions.
- (b) Fit testing, including identification of members or contractors qualified to conduct fit testing.
- (c) Medical evaluations.
- (d) PPE inventory control.
- (e) PPE issuance and replacement.
- (f) Cleaning, disinfecting, storing, inspecting, repairing, discarding, and otherwise maintaining respiratory PPE, including schedules for these activities.
- (g) Regularly reviewing the PPE plan.
- (h) Remaining current with applicable National Institute for Occupational Safety and Health (NIOSH), American National Standards Institute (ANSI), Occupational Safety and Health Administration (OSHA), Environmental Protective Agency (EPA), and state PPE standards and guidelines.

704.7.1 RESPIRATORY PROTECTION USE

Designated members may be issued respiratory PPE based on the member's assignment (e.g., a narcotics investigator who is involved in clandestine lab investigations).

Respiratory PPE may be worn when authorized by a scene commander who will determine the type and level of protection appropriate at a scene based upon an evaluation of the hazards present.

Scene commanders are responsible for monitoring members using respiratory PPE and their degree of exposure or stress. When there is a change in work area conditions or when a member's degree of exposure or stress may affect respirator effectiveness, the scene commander shall reevaluate the continued effectiveness of the respirator and direct the member to leave the respirator use area when the scene commander reasonably believes (OAC § 4167-3-03; 29 CFR 1910.134):

- (a) It is necessary for the member to wash his/her face and the respirator facepiece to prevent eye or skin irritation associated with respirator use.

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- (b) The member detects vapor or gas breakthrough, or there is a change in breathing resistance or leakage of the facepiece.
- (c) The member needs to replace the respirator, filter, cartridge, or canister.

704.7.2 MEMBER RESPONSIBILITIES FOR RESPIRATORY PROTECTION

Members shall not use self-contained breathing apparatus (SCBA), full-face respirators, or cartridge respirators unless they have completed training requirements for the equipment.

Members exposed to environments that are reasonably known to be harmful due to gases, smoke, or vapors shall use respiratory PPE.

Members using respiratory PPE shall (OAC § 4167-3-03; 29 CFR 1910.134):

- (a) Ensure that they have no facial hair between the sealing surface of the facepiece and the face that could interfere with the seal or the valve function. Members also shall ensure that they have no other condition that will interfere with the face-to-facepiece seal or the valve function.
- (b) Not wear corrective glasses, goggles, or other PPE that interferes with the seal of the facepiece to the face, or that has not been previously tested for use with that respiratory equipment.
- (c) Perform a user seal check per department-approved procedures recommended by the respirator manufacturer each time they put on a tight-fitting respirator.
- (d) Leave a respiratory use area whenever they detect vapor or gas breakthrough, changes in breathing resistance, or leakage of their facepiece and ensure that the respirator is replaced or repaired before returning to the affected area.

704.7.3 GAS MASK

Full-face air-purifying respirators, commonly referred to as gas masks, may be fitted with mechanical pre-filters or combination cartridge/filter assemblies for use in areas where gases, vapors, dusts, fumes, or mists are present. Members must identify and use the correct cartridge based on the circumstances (OAC § 4167-3-03; 29 CFR 1910.134).

A scene commander may order the use of gas masks in situations where the use of a SCBA is not necessary. These incidents may include areas where tear gas has or will be used or where a vegetation fire is burning. Gas masks shall not be used if there is a potential for an oxygen-deficient atmosphere.

Members shall ensure their gas mask filters are replaced whenever:

- (a) They smell, taste, or are irritated by a contaminant.
- (b) They experience difficulty breathing due to filter loading.
- (c) The cartridges or filters become wet.
- (d) The expiration date on the cartridges or canisters has been reached.

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704.7.4 SELF-CONTAINED BREATHING APPARATUS

Scene commanders may direct members to use SCBA when entering an atmosphere that may pose an immediate threat to life, would cause irreversible adverse health effects or would impair an individual's ability to escape from a dangerous atmosphere. These situations may include but are not limited to:

- (a) Entering the hot zone of a hazardous materials incident.
- (b) Entering any area where contaminant levels may become unsafe without warning, or any situation where exposures cannot be identified or reasonably estimated.
- (c) Entering a smoke- or chemical-filled area.

The use of SCBA should not cease until approved by a scene commander.

704.7.5 RESPIRATOR FIT TESTING

No member shall be issued respiratory PPE until a proper fit testing has been completed by a designated member or contractor (OAC § 4167-3-03; 29 CFR 1910.134):

After initial testing, fit testing for respiratory PPE shall be repeated (OAC § 4167-3-03; 29 CFR 1910.134):

- (a) At least once every 12 months.
- (b) Whenever there are changes in the type of SCBA or facepiece used.
- (c) Whenever there are significant physical changes in the user (e.g., obvious change in body weight, scarring of the face seal area, dental changes, cosmetic surgery or any other condition that may affect the fit of the facepiece seal).

All respirator fit testing shall be conducted in negative-pressure mode.

704.7.6 RESPIRATORY MEDICAL EVALUATION QUESTIONNAIRE

No member shall be issued respiratory protection that forms a complete seal around the face until (OAC § 4167-3-03; 29 CFR 1910.134):

- (a) The member has completed a medical evaluation that includes a medical evaluation questionnaire.
- (b) A physician or other licensed health care professional has reviewed the questionnaire.
- (c) The member has completed any physical examination recommended by the reviewing physician or health care professional.

704.8 RECORDS

The Administrative Lieutenant is responsible for maintaining records of all:

- (a) PPE training.
- (b) Initial fit testing for respiratory protection equipment.
- (c) Annual fit testing.

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- (d) Respirator medical evaluation questionnaires and any subsequent physical examination results.

- 1. These records shall be maintained in a separate confidential medical file.

The records shall be maintained in accordance with the established records retention schedule, OAC § 4167-3-03 and 29 CFR 1910.134.

704.9 TRAINING

Members should be trained in the respiratory and other hazards to which they may be potentially exposed during routine and emergency situations.

All members shall be trained in the proper use and maintenance of PPE issued to them, including when the use is appropriate; how to put on, remove, and adjust PPE; how to care for the PPE; and the limitations (OAC § 4167-3-03; 29 CFR 1910.132).

Members issued respiratory PPE shall attend annual training on the proper use of respiratory protection devices (OAC § 4167-3-03; 29 CFR 1910.134).

Chapter 8 - Support Services

Dispatch

800.1 PURPOSE AND SCOPE

This policy establishes guidelines for the basic functions of Dispatch. It addresses the immediate information needs of the Department in the course of its normal daily activities and during emergencies.

800.2 POLICY

It is the policy of the Blue Ash Police Department to provide 24-hour telephone service to the public for information and for routine or emergency assistance.

The Department provides two-way radio capability for continuous communication between Dispatch and department members in the field.

800.3 DISPATCH SECURITY

The communications function is vital and central to all emergency service operations. The safety and security of Dispatch, its members and its equipment must be a high priority. Special security procedures should be established in a separate operations manual for Dispatch.

Access to Dispatch shall be limited to Dispatch members, the Shift OIC, command staff and department members with a specific business-related purpose.

800.4 RESPONSIBILITIES

800.4.1 OIC

The Chief of Police shall appoint and delegate certain responsibilities to a OIC. The OIC is directly responsible to the Operations Bureau Commander or the authorized designee.

The responsibilities of the OIC include but are not limited to:

- (a) Overseeing the efficient and effective operation of Dispatch in coordination with other supervisors.
- (b) Scheduling and maintaining dispatcher time records.
- (c) Supervising, training, and evaluating dispatchers.
- (d) Ensuring the radio and telephone recording system is operational.
 - 1. Recordings shall be maintained in accordance with the established records retention schedule and as required by law.
- (e) Processing requests for copies of Dispatch information for release.
- (f) Maintaining Dispatch database systems.
- (g) Maintaining and updating Dispatch procedures manual.
 - 1. Procedures for specific types of crime reports may be necessary. For example, specific questions and instructions may be necessary when talking with a victim

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of a sexual assault to ensure that the victim's health and safety needs are met, as well as steps that the victim may take to preserve evidence.

2. Ensuring dispatcher compliance with established policies and procedures.
 3. Procedures should be consistent with the requirements of OAC 5507-1-06, including requirements that 9-1-1 calls are always an emergency function and guidelines regarding the transfer of calls (OAC 5507-1-06).
- (h) Handling internal and external inquiries regarding services provided and accepting personnel complaints in accordance with the Personnel Complaints Policy.
- (i) Maintaining a current contact list of City personnel to be notified in the event of a utility service emergency.

800.4.2 ADDITIONAL PROCEDURES

The OIC should establish procedures for:

- (a) Recording all telephone and radio communications and playback issues.
- (b) Storage and retention of recordings.
- (c) Security of audio recordings (e.g., passwords, limited access, authorized reviewers, preservation of recordings past normal retention standards).
- (d) Availability of current information for dispatchers (e.g., Shift OIC contact, rosters, member tracking methods, member contact, maps, emergency providers, tactical dispatch plans).
- (e) Assignment of field members and safety check intervals.
- (f) Emergency Medical Dispatch (EMD) instructions.
- (g) Procurement of external services (e.g., fire suppression, ambulances, aircraft, tow trucks, taxis).
- (h) Protection of essential equipment (e.g., surge protectors, gaseous fire suppression systems, uninterruptible power systems, generators).
- (i) Protection of radio transmission lines, antennas and power sources for Dispatch (e.g., security cameras, fences).
- (j) Handling misdirected, silent and hang-up calls.
- (k) Handling private security alarms, if applicable.
- (l) Radio interoperability issues.

800.4.3 DISPATCHERS

Dispatchers report to the OIC. The responsibilities of the dispatcher include, but are not limited to:

- (a) Receiving and handling all incoming and transmitted communications, including:
 - (a) Business telephone lines.
 - (b) Telecommunications Device for the Deaf (TDD)/Text Telephone (TTY) equipment.

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- (c) Radio communications with department members in the field and support resources (e.g., fire department, emergency medical services (EMS), allied agency law enforcement units).
- (d) Other electronic sources of information (e.g., text messages, digital photographs, video).
- (b) Documenting the field activities of department members and support resources (e.g., fire department, EMS, allied agency law enforcement units).
- (c) Inquiry and entry of information through Dispatch, department and other law enforcement database systems (e.g., Bureau of Motor Vehicles (BMV) records, Ohio Law Enforcement Automated Data System (LEADS) and NCIC).
- (d) Monitoring department video surveillance systems.
- (e) Maintaining the current status of members in the field, their locations and the nature of calls for service.
- (f) Notifying the Shift OIC or field supervisor of emergency activity, including, but not limited to:
 - 1. Vehicle pursuits.
 - 2. Foot pursuits.
 - 3. Assignment of emergency response.

800.5 CALL HANDLING

When a call for services is received, the department will reasonably and quickly attempt to determine whether the call is an emergency or non-emergency, and shall quickly ascertain the call type, location and priority by asking four key questions:

- Where?
- What?
- When?
- Who?

Dispatchers should be courteous, patient and respectful when dealing with the public.

800.5.1 EMERGENCY CALLS

A call is considered an emergency when there is an immediate or potential threat to life or serious property damage, and the timely arrival of public safety assistance is of the utmost importance. A person reporting an emergency should not be placed on hold until the dispatcher has obtained all necessary information to ensure the safety of the responding department members and affected individuals.

Emergency calls should be dispatched immediately. The Shift OIC shall be notified of pending emergency calls for service when department members are unavailable for dispatch.

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800.5.2 NON-EMERGENCY CALLS

A call is considered a non-emergency call when there is no immediate or potential threat to life or property. A person reporting a non-emergency may be placed on hold, if necessary, to allow the dispatcher to handle a higher priority or emergency call.

The reporting person should be advised if there will be a delay in the dispatcher returning to the telephone line or when there will be a delay in the response for service.

800.6 RADIO COMMUNICATIONS

The police radio system is for official use only, to be used by dispatchers to communicate with department members in the field. All transmissions shall be professional and made in a calm, businesslike manner, using proper language and correct procedures. Such transmissions shall include, but are not limited to:

- (a) Members acknowledging the dispatcher with their radio identification call signs and current location.
- (b) Dispatchers acknowledging and responding promptly to all radio transmissions.
- (c) Members keeping the dispatcher advised of their status and location.
- (d) Member and dispatcher acknowledgements shall be concise and without further comment unless additional information is needed.

The OIC shall be notified of radio procedure violations or other causes for complaint. All complaints and violations will be investigated and reported to the complainant's supervisor and processed through the chain of command.

800.6.1 FEDERAL COMMUNICATIONS COMMISSION COMPLIANCE

Blue Ash Police Department radio operations shall be conducted in accordance with Federal Communications Commission (FCC) procedures and requirements.

800.6.2 RADIO IDENTIFICATION

Radio call signs are assigned to department members based on factors such as duty assignment, uniformed patrol assignment and/or member identification number. Dispatchers shall identify themselves on the radio with the appropriate station name or number, and identify the department member by his/her call sign. Members should use their call signs when initiating communication with the dispatcher. The use of the call sign allows for a brief pause so that the dispatcher can acknowledge the appropriate department member. Members initiating communication with other law enforcement or support agencies shall use their entire radio call sign, which includes the department station name or number.

800.7 DOCUMENTATION

It shall be the responsibility of Dispatch to document all relevant information on calls for service or self-initiated activity. Dispatchers shall attempt to elicit, document and relay as much information as possible to enhance the safety of the member and assist in anticipating conditions that may be encountered at the scene. Desirable information would include, at a minimum:

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- Incident control number.
- Date and time of request.
- Name and address of the reporting person, if possible.
- Type of incident reported.
- Involvement of weapons, drugs and/or alcohol.
- Location of incident reported.
- Identification of members assigned as primary and backup.
- Time of dispatch.
- Time of the responding member's arrival.
- Time of member's return to service.
- Disposition or status of reported incident.

800.8 CONFIDENTIALITY

Information that becomes available through Dispatch may be confidential or sensitive in nature. All members of Dispatch shall treat information that becomes known to them as confidential and release that information in accordance with the Protected Information Policy.

Automated data, such as BMV records, warrants, criminal history information, records of internal police files or medical information, shall only be made available to authorized law enforcement personnel.

Property Unit

801.1 PURPOSE AND SCOPE

This policy provides for the proper collection, storage, security and disposition of evidence and other property. This policy also provides for the protection of the chain of custody and those persons authorized to remove and/or destroy property (ORC § 2981.11).

801.1.1 PROPERTY UNIT SECURITY

The Property Unit shall maintain secure storage and control of all property necessitating custody by the Department. The property officer reports to the Administration Bureau Lieutenant and is responsible for the security of the Property Unit. Property Unit keys are maintained only by the property officers and the Administration Bureau Lieutenant. An additional key is in a sealed and initialed envelope maintained in the safe in the Chief of Police's office. The property officers and the Administration Bureau Lieutenant shall not loan Property Unit keys to anyone and shall maintain keys in a secure manner.

Any individual entering the Property Unit other than the property officer must be accompanied by a property officer or the Administration Bureau Lieutenant.

801.2 DEFINITIONS

Definitions related to this policy include:

Contraband - Includes property or evidence that is illegal to possess and cannot be returned to the owner.

Evidence - Includes items taken or recovered in the course of an investigation that may be used in the prosecution of a criminal case. This includes photographs, documents temporary and latent fingerprints.

Found Property - Includes property found by an employee or citizen where the owner cannot be readily identified or contacted and has no apparent evidentiary value related to a criminal investigation.

Property - Includes all items of evidence, items taken for safekeeping, found property and contraband.

Safekeeping - Includes the following types of property:

- Property obtained by the Department for safekeeping, such as a firearm
- Personal property of an arrestee not taken as evidence
- Property taken for safekeeping under authority of a law

801.3 PROPERTY HANDLING

Any employee who first comes into possession of any property, shall retain such property in his/her possession until it is properly tagged and placed in the designated property locker or storage

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room, along with the property label. Care shall be taken to maintain the chain of custody for all evidence.

Any property seized by an officer with or without a warrant, shall be safely kept for as long as necessary for the purpose of being produced as evidence or for any other lawful purpose (ORC § 2981.11(A)(1)).

Seized property held as evidence shall be returned to its rightful owner unless subject to lawful detention or ordered destroyed or otherwise disposed of by the court (ORC § 2981.12 and ORC § 2981.13).

801.3.1 PROPERTY BOOKING PROCEDURE

All property should be booked prior to the employee going off-duty. Employees booking property shall observe the following guidelines:

- (a) Complete the property label describing each item separately, listing all serial numbers, owner's name, defendant's name, or finder's name and other identifying information or markings.
- (b) The officer shall mark each item of evidence or the evidence container tape seal with initials and date.
- (c) Items too small to mark, or that will be damaged, degraded or devalued by marking, should be packaged, labeled and the package marked with initials and date.
- (d) Complete an evidence/property label and attach it to each package or envelope in which the property is stored.
- (e) When the property is too large to be placed in a temporary property locker, the item may be temporarily stored in interview room 3 or other location that can be secured from unauthorized entry. The location shall be secured to prevent entry. An email should be sent to the property room technician stating the location of the property.

801.3.2 NARCOTICS AND DANGEROUS DRUGS

All narcotics and dangerous drugs shall be booked separately using a separate property record. Drug and narcotics paraphernalia shall also be booked separately.

The officer seizing the narcotics and dangerous drugs shall place them in a temporary property locker.

801.3.3 EXPLOSIVES

Officers who encounter a suspected explosive device shall promptly notify an immediate supervisor or the Shift OIC. The bomb squad will be called to handle explosive-related incidents and will be responsible for the handling, storage, sampling and disposal of all suspected explosives.

Explosives will not be retained in the police facility. Only fireworks that are considered stable and safe and road flares or similar signaling devices may be booked into property. The property officer

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is responsible for disposing of any fireworks or signaling devices that are not retained as evidence according to current procedures for disposing of such materials.

801.3.4 EXCEPTIONAL HANDLING

Certain property items require a separate process. The following items shall be processed in the described manner:

- (a) Bodily fluids such as blood or semen stains shall be air-dried prior to booking, if possible.
- (b) License plates found not to be stolen or connected with a known crime should be returned to the Ohio Bureau of Motor Vehicles via mail by the recovering officer. No formal property booking process is required.
- (c) All bicycles and bicycle frames require a property record. A blank wire tag with a property label will be attached to each bicycle's handlebar. The property may be released directly to the property officer, or placed in the outer property room area until a property officer can log the property.
- (d) All cash shall be counted in the presence of another officer and the envelope initialed by both officers. A supervisor shall be contacted for cash in excess of \$1,000. The supervisor shall also witness the count, and will initial and date the property documentation and specify any additional security procedures to be used. A money counting machine may be used for large amounts of money.
- (e) All evidence collected by personnel processing a crime scene requiring specific storage requirements pursuant to laboratory procedures should clearly indicate storage requirements on the outside of the property container or otherwise communicated to the property officer.
- (f) Items that are potential biohazards shall be appropriately packaged and marked to reduce the risk of exposure or contamination.

City property, unless connected to a known criminal case, should be released directly to the appropriate City department. No formal booking is required. In cases where no responsible person can be located, the property should be booked for safekeeping in the normal manner.

801.3.5 TESTING OF BIOLOGICAL EVIDENCE

The Property Unit supervisor shall ensure that department records are reviewed and that all biological evidence that relates to specific homicide and sex offenses is sent to the BCI or another crime laboratory for DNA analysis (ORC § 2933.82).

801.4 PACKAGING OF PROPERTY

Packaging will conform to certain procedures. Certain items require special consideration and shall be booked separately as follows:

- (a) Controlled substances.
- (b) Firearms (ensure they are unloaded and rendered safe). The ammunition and magazine (if present) should be bagged separately, but packaged with the gun in the gun box.

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- (c) Property with more than one known owner.
- (d) Drug paraphernalia.
- (e) Fireworks.
- (f) Contraband.
- (g) Biohazards.

801.4.1 PACKAGING CONTAINER

Employees shall package all property, except controlled substances, in a suitable container that is appropriate for its size. Knife boxes should be used to package knives, handgun boxes should be used for handguns and syringe tubes should be used to package syringes and needles.

A property tag shall be securely attached to the outside of all items or group of items packaged together.

801.4.2 PACKAGING CONTROLLED SUBSTANCES

The officer seizing narcotics and dangerous drugs shall retain such property in his/her possession until it is properly weighed, packaged, tagged and placed in a property locker. Prior to packaging and if the quantity allows, a presumptive test should be made on all suspected controlled substances. When conducted, the result of this test shall be included in the officer's report.

Narcotics and dangerous drugs shall be packaged in an evidence bag of appropriate size. The booking officer shall initial the seal. Controlled substances shall not be packaged with other property.

The booking officer shall weigh the suspected narcotics or dangerous drugs in the container in which it was seized (TPW - Total Package Weight). A full description of the item, along with packaging and total weight of the item as seized, will be placed in the case report and on the property label.

A completed property tag shall be attached to the outside of the container.

801.4.3 RIGHT OF REFUSAL

The property officer has the right to refuse any piece of property that is hazardous or that has not properly documented or packaged. Should the property officer refuse an item of property, he/she shall maintain secure custody of the item in a temporary property locker or other safe location and inform the submitting officer or supervisor.

801.5 RECORDING OF PROPERTY

The property officer receiving custody of evidence or property shall create a property control card for each piece of property received. A property control card may contain multiple property items. The property control card will be the permanent record of the property in the Property Unit. The property officer will record the date and time the property was received and where the property will be stored on the property control card (ORC § 2981.11(B)(1)(a)).

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A property logbook shall be maintained and a unique property number created for each piece of property received. The logbook shall record by property number, the date received, case number, tag number, item description, item location and date disposed. A unique property number shall be obtained for each item or group of items from the logbook. This number shall be recorded on the property tag and the property control card.

Any changes in the location of property held by the Blue Ash Police Department shall be noted in the property management system.

801.6 PROPERTY CONTROL

Each time the property officer receives property or releases property to another person, he/she shall enter this information on the property log book. Officers desiring property for court shall contact the property officer at least one day prior to the court day.

801.6.1 RESPONSIBILITIES OF OTHER PERSONNEL

Every time property is released or received, an appropriate entry shall be completed to maintain the chain of custody. No property or evidence is to be released without first receiving written authorization from a supervisor or case officer.

Request for analysis of items other than controlled substances shall be completed on the appropriate forms and submitted to the property officer. This request may be filled out anytime after booking of the property or evidence.

801.6.2 TRANSFER OF EVIDENCE TO CRIME LABORATORY

The transporting employee will check the evidence out of property, indicating the date in the property log book and the request for laboratory analysis.

The property officer releasing the evidence must complete the required information in the property log book. The lab forms will be transported with the property to the examining laboratory. Upon delivering the item involved, the officer will receive a receipt from the intake person at the lab.. The receipt will be forwarded to the submitting case officer.

801.6.3 STATUS OF PROPERTY

Each person receiving property will make the appropriate entry to document the chain of custody. Temporary release of property to officers for investigative purposes, or for court, shall be noted on the property log book, stating the date, time and to whom it was released.

The property officer shall obtain the initials of the person to whom property was released and the reason for release. Any employee receiving property shall be responsible for such property until it is returned to the Property Unit or released to another authorized person or entity.

The return of the property should be recorded in the property log book, indicating the date and time it was returned.

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801.6.4 AUTHORITY TO RELEASE PROPERTY

The property officer shall not release any property without authorization from an appropriate member of the Department.

For property in custody of the Department for investigatory or prosecutorial purposes and owned by a victim or witness, a property officer shall, upon the request of the owner:

- (a) Provide a list describing the property, unless such release would seriously impede an investigation.
- (b) Return the property expeditiously, unless the property is contraband or required as evidence.

Upon the direction of a prosecuting attorney, property held as evidence of a crime may be photographed and released to the owner.

801.6.5 RELEASE OF PROPERTY

All reasonable attempts shall be made to identify and locate the rightful owner of found property or evidence not needed for an investigation, either by telephone and/or mail, when sufficient identifying information is available.

Release of property shall be made upon receipt of an authorization stating the name of the person to whom the property is to be released. Release of all property shall be properly documented.

A property officer shall release the property to the owner or finder upon valid identification and proper documentation presented by the owner or finder for which an authorized release has been received. A signature of the person receiving the property shall be recorded on the original property documentation.

Release of unclaimed property to an authorized finder shall be released in compliance with existing laws.

Upon release or other form of disposal, the proper entry shall be recorded in all property documentation and logs (ORC § 2981.11(B)(1)(b)).

801.6.6 STOLEN OR EMBEZZLED PROPERTY

Stolen or embezzled property or property believed to be stolen or embezzled that is in the custody of this department shall be restored to the legal owner. Such property may be released from law enforcement custody when the following are satisfied:

- (a) Satisfactory proof of ownership is shown by the owner.
- (b) A receipt for the property is obtained from the owner upon delivery.

801.6.7 DISPUTED CLAIMS TO PROPERTY

Occasionally more than one party may claim an interest in property being held by the department, and the legal rights of the parties cannot be clearly established. Such property shall not be released until one party has obtained a court order or other proof of the undisputed right to the involved property.

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All parties should be advised that their claims are civil. In extreme situations, legal counsel for the Department may be asked to file an interpleader in court to resolve the disputed claim.

801.6.8 RELEASE AND DISPOSAL OF FIREARMS

A firearm may not be released until it has been verified that the person receiving the weapon is not prohibited from receiving or possessing the weapon by 18 USC § 922 (d) or ORC § 2923.13.

The Department shall make best efforts to identify the owner and shall retain the firearm for at least 90 days. If the owner cannot be found at the expiration of such period, the firearm or dangerous ordnance suitable for law enforcement work may be retained for that purpose. Firearms suitable for sporting use or as museum pieces or collectors' items may be sold at public auction pursuant to ORC § 2981.12(B). The Department shall properly destroy all other firearms and dangerous ordnance or send them to the Bureau of Criminal Identification and Investigation (BCI) (ORC § 2981.12(A)(2)).

801.6.9 FIREARMS RECEIVED FROM CORONER'S OFFICE

When a firearm is delivered to this department by the coroner, a receipt for the firearm that states the date of delivery and an accurate description of the firearm shall be issued to the coroner. The firearm shall be used for evidentiary purposes only. Once the firearm is no longer needed as evidence, the Chief of Police or the authorized designee shall give the firearm to the person who has been assigned the rights of disposition for the deceased person, upon request, and if the person is lawfully allowed to possess the firearm. The Chief of Police or the authorized designee shall keep a record of the person to whom the firearm is given, the date of delivery, and a description of the firearm. If the person who has been assigned the rights of disposition for the deceased person does not request the firearm, or is prohibited from possessing the firearm, it may be used at the discretion of the Chief of Police (ORC § 313.14).

801.7 DISPOSITION OF PROPERTY

The Department shall make a reasonable effort to locate persons entitled to possession of the property, to notify them of when and where it may be claimed, and to return the property to them at the earliest possible time. In the absence of evidence identifying persons entitled to the property, it may be described in a local newspaper, inviting persons to view and establish their right before final disposition (ORC § 2981.11(C)).

The property officer shall periodically request a disposition or status on property for which no disposition has been received from a supervisor or case officer.

All property not held for evidence in a pending criminal investigation or proceeding, and where the owner has not been located or fails to claim the property, may be disposed of in compliance with existing laws (ORC § 2981.12 and ORC § 2981.13).

Upon any release or disposal of any property, the proper notation shall be made on the property control card and in the property management system to include the final disposition, date of disposition, financial recordings and expenditures related to the property if it was sold, and the name of any person who received the property. However, the record shall not identify or enable

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identification of the individual employee who seized any item of property or the specific expenditure related to the property in an ongoing investigation (ORC § 2981.11(B)(1)(b)).

801.7.1 EXCEPTIONAL DISPOSITIONS

The following types of property shall be destroyed or disposed of in the manner and at the time prescribed by law or by a court of competent jurisdiction (ORC § 2981.12):

- Drugs
- Firearms and dangerous ordnance
- Obscene materials
- Beer, intoxicating liquor or alcohol
- Vehicles, watercraft, aircraft or parts thereof
- Animals, birds and equipment related to their care and containment that have been ordered forfeited by the court
- Counterfeiting equipment
- Gaming devices.
- Computers, computer networks, systems, or software

801.7.2 UNCLAIMED MONEY

If found or seized money is no longer required as evidence and remains unclaimed after any applicable statutory period, the money is presumed unclaimed property and may be retained as allowed by law (ORC § 2981.12).

801.7.3 RETENTION OF BIOLOGICAL EVIDENCE

The Property Unit Supervisor shall ensure that no biological evidence held by the Department is destroyed without adequate notification to the following persons, when applicable (ORC § 2933.82):

- (a) The defendant
- (b) The defendant's attorney
- (c) The state public defender
- (d) The appropriate prosecutor
- (e) The Attorney General
- (f) Any sexual assault victim
- (g) The Detective Bureau Supervisor

Biological evidence shall be retained for a minimum period established by ORC § 2933.82, the Property Unit Supervisor or the expiration of any sentence imposed related to the evidence, whichever time period is greater. Following the retention period, notifications should be made by certified mail, return receipt requested, and should inform the recipient that the evidence will be

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destroyed after a date specified in the notice unless a motion for retesting or a written request for retention is filed and served on the Department within one year of the date of the notification.

A record of all certified mail receipts shall be retained in the appropriate file. Any objection to, or motion regarding, the destruction of the biological evidence shall be retained in the appropriate file and a copy forwarded to the Detective Bureau Supervisor.

Biological evidence related to a homicide shall be retained indefinitely and may only be destroyed with the written approval of the Chief of Police and the head of the applicable prosecutor's office.

801.7.4 MARIJUANA

At the first sign of mold growth, stored marijuana shall be photographed showing the mold growth. As soon as practicable, the property officer shall make efforts to lawfully destroy the contaminated marijuana, in compliance with this policy. The property officer should consult with the member assigned to the case investigation for authorization to destroy the remaining marijuana, after taking representative samples, and should request assistance from the appropriate prosecutor in obtaining a court order for immediate destruction.

801.7.5 MEDICAL MARIJUANA

The investigating member should advise the property officer and the prosecutor if the party from whom the marijuana was seized holds a valid medical permit to possess marijuana or claims that the possession of the marijuana is for medical purposes.

The property officer shall store marijuana, drug paraphernalia, or other related property that is seized from a person engaged in or assisting with the use of medical marijuana in a manner that is consistent with the provisions of the Medical Marijuana Policy.

Marijuana that is infected with mold shall not be returned. This includes marijuana seized from a person who holds a valid medical permit to possess marijuana or who claims that possession of the marijuana is for medical purposes.

801.8 INSPECTIONS OF THE PROPERTY UNIT

The Administration Bureau Lieutenant shall periodically inspect the evidence storage facilities and practices to ensure adherence to appropriate policies and procedures.

- (a) Unannounced inspections of evidence storage areas shall be conducted as directed by the Chief of Police.
- (b) An annual audit of evidence held by the Department shall be conducted by a Bureau Commander who is not routinely or directly connected with evidence control, as assigned by the Chief of Police.
- (c) Whenever a change is made in personnel who have access to the Property Unit or there is a new Chief, an inventory of all evidence/property shall be made by an individual not associated with the Property Unit or function to ensure that records are correct and all evidence property is accounted for.

Records Maintenance and Release

803.1 PURPOSE AND SCOPE

This policy provides guidance on the maintenance and release of department records. Protected information is separately covered in the Protected Information Policy.

803.2 POLICY

The Blue Ash Police Department is committed to providing public access to records in a manner that is consistent with the Ohio Public Records Act (ORC § 149.43).

803.3 CUSTODIAN OF RECORDS

The Chief of Police shall designate a Custodian of Records. The responsibilities of the Custodian of Records include but are not limited to (ORC § 149.43):

- (a) Managing the records management system for the Department, including the retention, archiving, release and destruction of department public records.
- (b) Maintaining and updating the department records retention schedule, including:
 - 1. Identifying the minimum length of time the Department must keep records.
 - 2. Identifying the department bureau responsible for the original record.
 - 3. Making a copy of the current retention schedule readily available to the public.
- (c) Establishing rules regarding the inspection and copying of department public records as reasonably necessary for the protection of such records.
 - 1. The Custodian of Records may limit the number of records requested by a person that the Department will physically deliver via mail or by another delivery service to 10 records per month unless the requester certifies in writing that he/she does not intend to use or forward the requested records, or information contained in the records, for commercial purposes.
 - 2. Records in digital format that are publicly available on the internet may be limited as set forth in ORC § 149.43.
- (d) Identifying records or portions of records that are confidential under state or federal law and not open for inspection or copying.
- (e) Establishing rules regarding the processing of subpoenas for the production of records.
- (f) Ensuring the availability of a current schedule of fees for public records as allowed by law.
- (g) Preparing a notice that incorporates this policy and ensuring that it is displayed in conspicuous places in all locations where department records are available to the public.
- (h) Maintaining current information on the department website that relates to public records release.

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- (i) Ensuring that records are organized and maintained in such a manner as to make them available for inspection or copying.
- (j) Selecting appropriate public records, if any, to publish on the department website.

803.4 PROCESSING REQUESTS FOR PUBLIC RECORDS

Any department member who receives a request for any record shall route the request to the Custodian of Records or the authorized designee.

803.4.1 REQUESTS FOR RECORDS

The processing of requests for any record is subject to the following (ORC § 149.43):

- (a) The Department is not required to create records that do not exist.
- (b) When a record contains material with release restrictions and material that is not subject to release restrictions, the restricted material shall be redacted and the unrestricted material released.
 - 1. A copy of the redacted release should be maintained in the case file for proof of what was actually released and as a place to document the reasons for the redactions (except for routine redactions). If the record is audio or video, a copy of the redacted audio/video release should be maintained in the department-approved media storage system and a notation should be made in the case file to document the release and the reasons for the redacted portions.
 - 2. The requester shall be notified of any redaction in the public record if the redaction is not plainly visible.
- (c) If a request is ambiguous or overly broad, or if the Custodian of Records cannot reasonably identify what public records are being requested, the request may be denied.
 - 1. The requester shall be provided with an opportunity to revise the request and shall be informed by the Custodian of Records of the manner in which records are maintained by the Department and how the records are accessed in the ordinary course of business.
- (d) A person requesting records may be asked to make a request for records in writing to expedite processing of the request and may be asked for his/her identity. Prior to such a request, the person shall be told that:
 - 1. There is no requirement to provide a written request.
 - 2. There is no requirement to provide his/her identity.
 - 3. There is no requirement to disclose the intended use of the records.
 - 4. The purpose of the written request or disclosure of the person's identity or intended use would benefit the person making the request by enhancing the ability of the Custodian of Records to identify, locate or deliver the records requested.
- (e) Fees for copies or the cost of delivery of the records to the requester via mail should be paid in advance.

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- (f) If a request is denied, either in whole or in part, the Custodian of Records shall provide the requester with an explanation setting forth the reason(s) for the denial, including the legal authority relied upon in making the determination. If the initial request was in writing, the explanation shall also be provided in writing.

803.5 RELEASE RESTRICTIONS

Examples of release restrictions include:

- (a) Any personal identifying information, including an individual's photograph; Social Security and driver identification numbers; name, address, and telephone number; and medical or disability information that is contained in any driver license record, motor vehicle record, or any department record, including traffic collision reports, is restricted except as authorized by the Department, and only when such use or disclosure is permitted or required by law to carry out a legitimate law enforcement purpose (18 USC § 2721; 18 USC § 2722; ORC § 4501.27; ORC § 149.45).
- (b) Victim information that may be protected by statutes, including photographs or images of victims as prohibited by ORC § 149.43 (ORC § 2907.11).
- (c) Juvenile-related information that may be protected by statutes (ORC § 149.435).
- (d) Confidential investigatory records of the Department that pertain to a law enforcement matter of criminal, quasi-criminal, civil, or administrative nature if release would create a high probability of disclosure of any of the following (ORC § 149.43):
 - 1. Identity of a suspect not yet charged with an offense to which the record pertains.
 - 2. Identity of an information source or witness to whom confidentiality has been reasonably assured. This also includes information provided by an information source or witness if the release would tend to disclose the person's identity.
 - 3. Confidential investigatory techniques, procedures, or specific investigatory work product.
 - 4. Information that would endanger the life or physical safety of a member, crime victim, witness, or confidential information source.
- (e) Certain types of reports involving but not limited to child abuse and molestation (ORC § 2151.421) and adult abuse (ORC § 5101.61).
- (f) Records pertaining to the residential or family information of peace officers and dispatchers (ORC § 149.43).
- (g) Personally identifiable information of a program participant of the Ohio Secretary of State's address confidentiality program (ORC § 149.43).
- (h) Restricted portions of recordings made by a dashcam or a member's body-worn camera as provided in ORC § 149.43(A)(1). Certain recordings may be disclosed with the consent of the subject of the recording or the subject's representative pursuant to the requirements of ORC § 149.43 (H)(1).
- (i) Telephone numbers for a person involved in a motor vehicle accident or a witness of a crime as provided in ORC § 149.43.
- (j) Any other information that may be appropriately denied by ORC § 149.43(A)(1).

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803.5.1 ENHANCED RECORDS ACCESS BY JOURNALISTS

- (a) Journalists, as defined in ORC § 149.43, are entitled to enhanced access to certain records not available to the general public provided:
 - 1. The request is in writing.
 - 2. Journalists identify themselves by name, title, and employer's name and address.
 - 3. Journalists establish and sign a request that the information sought is in the public interest.
- (b) Records available to journalists but not the general public include:
 - 1. Personal residential addresses of an officer or dispatcher of this department (ORC § 149.43).
 - 2. The business name and address of a spouse, former spouse, or child of an officer of this department, only if employed by a public office (ORC § 149.43).
 - 3. Coroner records pursuant to ORC § 313.10.
 - 4. The name, county of residence, and date of birth of a person for whom the sheriff issued, suspended, or revoked a permit for a concealed weapon (ORC § 2923.129).
 - 5. The names, addresses, and telephone numbers of workers' compensation claimants subject to the requirements and restrictions in ORC § 4123.88(D).
 - 6. Limited information about minors involved in a school vehicle accident (ORC § 149.43).

803.6 SUBPOENAS AND DISCOVERY REQUESTS

Any member who receives a subpoena duces tecum or discovery request for records should promptly contact a supervisor and the Custodian of Records for review and processing. While a subpoena duces tecum may ultimately be subject to compliance, it is not an order from the court that will automatically require the release of the requested information.

Generally, discovery requests and subpoenas from criminal defendants and their authorized representatives (including attorneys) should be referred to the County Prosecutor, City Solicitor or the courts.

All questions regarding compliance with any subpoena duces tecum or discovery request should be promptly referred to legal counsel for the Department so that a timely response can be prepared.

803.7 SEALED RECORDS OR EXPUNGEMENT

Expungement orders or an order to seal records received by the Department shall be reviewed for appropriate action by the Custodian of Records. The Custodian of Records shall expunge or seal such records as ordered by the court. Records may include but are not limited to a record of

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arrest, investigation, detention, or conviction. Once expunged or sealed, members shall respond to any inquiry as though the record did not exist.

803.8 TRAINING

The Custodian of Records and any member who may be responsible for access or release of public records shall attend training approved by the Ohio Attorney General, such as that provided by the Ohio Association of Chiefs of Police (OACP).

The Custodian of Records shall acknowledge that they have read and received a copy of this policy (ORC § 149.43).

803.9 SECURITY BREACHES

Members who become aware that any Blue Ash Police Department system containing personal information may have been breached should notify the Records Unit as soon as practicable. The Records Unit shall ensure the required notice is given to any resident of this state whose unsecured personal information is reasonably believed to have been acquired by an unauthorized person (ORC § 1347.12).

Notice shall be given in the most expedient time possible but not later than 45 days following its discovery or notice of the breach consistent with any measures necessary to determine the scope of the breach, including which residents' personal information was accessed and acquired and to restore the reasonable integrity of the data system. Notice may be delayed if notification will impede a criminal investigation or jeopardize homeland or national security but notice shall be made once it is determined that disclosure or notification will not compromise the investigation or jeopardize homeland or national security (ORC § 1347.12).

For the purposes of the notice requirement, personal information includes an individual's first name or first initial and last name in combination with any one or more of the following (ORC § 1347.12):

- (a) Social Security number
- (b) Driver's license number or Ohio identification card number
- (c) Full account number, credit or debit card number, in combination with and linked to any required security code, access code, or password that would permit access to an individual's financial account

If the breach reasonably appears to have been made to protected information covered in the Protected Information Policy, the Records Unit should promptly notify the appropriate member designated to oversee the security of protected information (see the Protected Information Policy).

Protected Information

804.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the access, transmission, release and security of protected information by members of the Blue Ash Police Department. This policy addresses the protected information that is used in the day-to-day operation of the Department and not the public records information covered in the Records Maintenance and Release Policy.

804.1.1 DEFINITIONS

Definitions related to this policy include:

Protected information - Any information or data that is collected, stored or accessed by members of the Blue Ash Police Department and is subject to any access or release restrictions imposed by law, regulation, order or use agreement. This includes all information contained in federal, state or local law enforcement databases that is not accessible to the public.

804.2 POLICY

Members of the Blue Ash Police Department will adhere to all applicable laws, orders, regulations, use agreements and training related to the access, use, dissemination and release of protected information.

804.2.1 OHLEG POLICY

The following agency rules apply to the use of the Ohio Law Enforcement Gateway (OHLEG) by any department member.

Access to use and use of the OHLEG is granted to agencies and individuals by the Ohio Attorney General's Office exclusively for criminal justice purposes. By virtue of user agreements this organization and its agents agree to the strict adherence of OHLEG Rules and Regulations. Non-compliance with OHLEG Rules and Regulations can result in loss of OHLEG access not only for the individual but potentially for the entire agency. This use policy was created in order to ensure compliance with OHLEG rules and proper usage. This OHLEG policy is meant to supplement the existing OHLEG Rules and Regulations and OHLEG Data Security Policy. If there is any question of conflict with the OHLEG rules the most restrictive interpretation of the OHLEG rules should be applied.

OHLEG use is governed by provisions of the Ohio Revised Code and by the OHLEG Rules and Regulations and OHLEG Security Data Policy. (Ohio Rev. Code §§109.57 and 2913.04) Any violations of these rules or mis-use or abuse of OHLEG privileges by any member of this agency will be considered a serious violation of agency policy and result in disciplinary action up to and including termination of employment. In addition violations that constitute a violation of Ohio Revised Code will be referred to the appropriate county prosecutor for criminal prosecution.

Any member of this organization wishing to obtain an OHLEG user license must:

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- (a) Have an OHLEG user from our agency log into OHLEG. The current user will then click on "OHLEG Online Account Application".
- (b) Complete the application request form for the new OHLEG User and click on "Submit Application".
- (c) The application will be sent electronically to our agency's administrator for approval.
- (d) The agency administrator will log into OHLEG, click on "OHLEG Online Account Application" and see the application waiting for approval. They will click on "select" next to the application they wish to approve.
- (e) The agency administrator will enter their job title. After verifying you have viewed the Security Training video, the agency administrator will check the "Required Security Training Completed" box. They will then click on "Assign OHLEG Apps" to select the applications in OHLEG the user would like to receive. After they click on "Approve" the application will be sent to OHLEG for processing.
- (f) OHLEG will process the application and send a confirmation email to the new OHLEG User with the log-in instructions.
- (g) Agency administrators will be able to view which applications have been rejected by OHLEG on their roster dashboard.
- (h) ***NOTE***Before submitting an application, the new user must have viewed the OHLEG Security Training Video on the OHLEG homepage.
If you have any problems with the application process, please contact the OHLEG Helpdesk at 1-866-406-4534.

A copy of the OHLEG Rules and Regulations and OHLEG Data Security Policy will be made available to all approved users of OHLEG (on the Z drive in the OHLEG folder). These rules are not for public dissemination and must not leave the agency facility. OHLEG users will be held responsible for understanding the contents of the OHLEG Rules and Regulations and Data Security Policy and for the application of the rules in their use of OHLEG. Agency users will be required to sign a statement indicating they have read and understand the OHLEG Rules and Regulations and Data Security Policy before being granted OHLEG access.

OHLEG user authorizations are granted to individual agency members for their exclusive use. All OHLEG transactions are monitored by OHLEG and subject to audit procedures to verify proper usage and detect violations. Agency members are prohibited from:

- (a) Allowing any unauthorized person to access the OHLEG data base application;
- (b) Sharing or giving their sign on credentials to any other person;
- (c) Leaving their sign on credentials unprotected in such a way that another person might obtain them; and

Leaving a computer which has open access to OHLEG unattended and available to unauthorized personnel.

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The use of OHLEG is strictly limited to criminal justice purposes. Agency members will be granted access to specific OHLEG applications based on the particular needs of their job assignment.

Use of OHLEG for anything other than a criminal justice purpose is strictly forbidden. An OHLEG user is not permitted to use an application for which he/she has not been given access. Criminal Justice Information (CJI) obtained through OHLEG is also protected and is not to be shared with any unauthorized person.

The agency's OHLEG Agency Coordinator (Coordinator) is responsible for assisting the Chief with overseeing compliance with OHLEG Rules and Regulations and Data Security Policy.

OHLEG access is not permitted outside of normal working hours unless specifically authorized by the Coordinator.

OHLEG access is not permitted from non-agency computers unless specifically authorized by the Coordinator.

Anyone becoming aware of an agency member operating OHLEG in violation of Agency or OHLEG Rules and Regulations or in a manner inconsistent with state or federal law, shall report said violation to a superior officer as soon as possible.

If an agency member becomes aware of themselves having committed an OHLEG violation, they are to self-report the violation to their supervisor and the Coordinator so the violation can be documented. The circumstances that gave rise to the violation can then be examined to determine if there is a need for additional training. Self-reporting a violation does not relieve the user from responsibility for committing the violation.

All OHLEG violations will be reported to the OHLEG by either the Chief or Coordinator.

Any serious OHLEG violations that rise to the level of a criminal offense will be investigated by the agency, the OHLEG, and such outside agencies as deemed appropriate. The results of said investigation will be referred to the county prosecutor for consideration of criminal charges. Violations of the OHLEG restrictions in the Ohio Revised Code are a fifth degree felony.

The Coordinator shall be responsible for training, applications, policy oversight, and internal audits. Internal audits will be conducted (on an ongoing basis) with a copy of said audit results kept on file in the Chief's office. All violations of this agency policy, OHLEG rules, or Ohio law will be reported to the Chief. The report will include a description of the violation, frequency of occurrence, immediate steps taken to correct the situation, mitigating factors, and an indication of whether additional agency or individual training is needed. The violation and a report on agency action will be forwarded to OHLEG.

OHLEG licensing is a job specific authorization, if a member holding an OHLEG license is promoted, transferred, or otherwise experiences a change in duties, they must notify the Coordinator as soon as possible so the level of their OHLEG authorizations can be evaluated in light of their new assignment. If a member is terminated their ability to lawfully access OHLEG is immediately ended and they are prohibited from accessing OHLEG for any reason. If a member is suspended from duty they are not to access OHLEG for any reason until such time as they are

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re-instated to full duty status. If a member is off duty due to sickness, injury, or disability they are not to access OHLEG for any reason without receiving authorization from the Coordinator.

804.3 RESPONSIBILITIES

The Chief of Police shall select a member of the Department to coordinate the use of protected information.

The responsibilities of this position include, but are not limited to:

- (a) Ensuring member compliance with this policy and with requirements applicable to protected information, including requirements for the National Crime Information Center (NCIC) system, National Law Enforcement Telecommunications System (NLETS), Bureau of Motor Vehicles (BMV) records and Ohio Law Enforcement Automated Data System (LEADS) (OAC § 4501:2-10-03; OAC § 4501:2-10-06).
- (b) Developing, disseminating and maintaining procedures that adopt or comply with the U.S. Department of Justice's current Criminal Justice Information Services (CJIS) Security Policy.
- (c) Developing, disseminating and maintaining any other procedures necessary to comply with any other requirements for the access, use, dissemination, release and security of protected information.
- (d) Developing procedures to ensure training and certification requirements are met.
- (e) Resolving specific questions that arise regarding authorized recipients of protected information.
- (f) Ensuring security practices and procedures are in place to comply with requirements applicable to protected information.

804.4 ACCESS TO PROTECTED INFORMATION

Protected information shall not be accessed in violation of any law, order, regulation, user agreement, Blue Ash Police Department policy or training. Only those members who have completed applicable training and met any applicable requirements, such as a background check, may access protected information, and only when the member has a legitimate work-related reason for such access (OAC § 4501:2-10-03).

Unauthorized access, including access for other than a legitimate work-related purpose, is prohibited and may subject a member to administrative action pursuant to the Personnel Complaints Policy and/or criminal prosecution.

804.5 RELEASE OR DISSEMINATION OF PROTECTED INFORMATION

Protected information may be released only to authorized recipients who have both a right to know and a need to know (OAC § 4501:2-10-06(C)).

A member who is asked to release protected information that should not be released should refer the requesting person to a supervisor or to the Records Unit for information regarding a formal request.

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Unless otherwise ordered or when an investigation would be jeopardized, protected information maintained by the Department may generally be shared with authorized persons from other law enforcement agencies who are assisting in the investigation or conducting a related investigation. Any such information should be released through the Records Unit to ensure proper documentation of the release (see the Records Maintenance and Release Policy).

Protected information, such as Criminal Justice Information (CJI), which includes Criminal History Record Information (CHRI), should generally not be transmitted by radio, cellular telephone or any other type of wireless transmission to members in the field or in vehicles through any computer or electronic device, except in cases where there is an immediate need for the information to further an investigation or where circumstances reasonably indicate that the immediate safety of officers, other department members or the public is at risk.

Nothing in this policy is intended to prohibit broadcasting warrant information.

804.6 SECURITY OF PROTECTED INFORMATION

The Chief of Police will select a member of the Department to oversee the security of protected information.

The responsibilities of this position include, but are not limited to (OAC § 4501:2-10-03):

- (a) Developing and maintaining security practices, procedures and training.
- (b) Ensuring federal and state compliance with the CJIS Security Policy and the requirements of any state or local criminal history records systems.
- (c) Establishing procedures to provide for the preparation, prevention, detection, analysis and containment of security incidents including computer attacks.
- (d) Tracking, documenting and reporting all breach of security incidents to the Chief of Police and appropriate authorities.

804.6.1 MEMBER RESPONSIBILITIES

Members accessing or receiving protected information shall ensure the information is not accessed or received by persons who are not authorized to access or receive it. This includes leaving protected information, such as documents or computer databases, accessible to others when it is reasonably foreseeable that unauthorized access may occur (e.g., on an unattended table or desk; in or on an unattended vehicle; in an unlocked desk drawer or file cabinet; on an unattended computer terminal).

804.7 DEPUTY SUZANNE HOPPER ACT

Dispatch shall enter into NCIC information provided by a court regarding (ORC § 2929.44):

- (a) The conditional release of a person found incompetent to stand trial or not guilty by reason of insanity.
- (b) An order that a person convicted of an offense of violence receive a mental health evaluation or treatment for a mental illness.

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Members of this department who have contact with a person who has such information entered into NCIC shall report the contact to the Department of Mental Health and Addiction Services, and, if the terms of the release require the defendant or person to receive mental health treatment, to the treatment provider.

804.8 TRAINING

All members authorized to access or release protected information shall complete a training program that complies with any protected information system requirements and identifies authorized access and use of protected information, as well as its proper handling and dissemination (OAC § 4501:2-10-03).

Animal Control

805.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for interacting with animals and responding to calls for service that involve animals.

805.2 MEMBER RESPONSIBILITIES

Members who respond to or assist with animal-related calls for service should evaluate the situation to determine appropriate actions to control the situation.

Due to the hazards of handling animals without proper training and equipment, responding officers generally should not attempt to capture and pick up any animal, but should keep the animal under observation until the arrival of appropriate assistance.

Members may consider acting before the arrival of such assistance when:

- (a) The SPCA wants the animal confined before they will respond.
- (b) There is a threat to public safety.
- (c) An animal has bitten someone. Members should take measures to confine the animal and prevent further injury.
- (d) An animal is creating a traffic hazard.
- (e) An animal is seriously injured.
- (f) The owner/handler of an animal has been arrested or is incapacitated. In such circumstances, the member should find appropriate placement for the animal.
 - 1. This is only necessary when the arrestee is expected to be in custody for a time period longer than would reasonably allow him/her to properly care for the animal.
 - 2. With the owner's consent, locating appropriate placement may require contacting relatives or neighbors to care for the animal.
 - 3. If no person can be found or the owner does not or cannot give consent, the animal should be taken to a designated animal care facility.

805.3 INJURED ANIMALS

When a member becomes aware of an injured domesticated animal, all reasonable attempts shall be made to contact the owner or responsible handler. If an owner or responsible handler cannot be located, the animal should be taken to a designated animal care facility.

805.4 POLICY

It is the policy of the Blue Ash Police Department to be responsive to the needs of the community regarding animal-related issues. This includes enforcing local, state and federal laws relating to animals and appropriately resolving or referring animal-related problems, as outlined in this policy.

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805.5 ANIMAL CRUELTY COMPLAINTS

Laws relating to the cruelty to animals should be enforced, including but not limited to animal cruelty and animal fights (ORC § 959.13; ORC § 959.15; ORC § 959.16).

- (a) An investigation should be conducted on all reports of animal cruelty.
- (b) Legal steps should be taken to protect an animal that is in need of immediate care or protection from acts of cruelty.

805.5.1 NOTIFICATION TO SOCIAL SERVICE AGENCY

Members who have knowledge or reasonable cause to suspect that a violation involving a companion animal (as defined by ORC § 959.131) has occurred or is occurring shall immediately notify the appropriate social service agency of the violation when the member (ORC § 959.08):

- (a) Has knowledge or reasonable cause to suspect that a child or older adult resides with the alleged violator.
 - 1. An older adult is a person age 60 or older who suffers from the infirmities of aging or who has an impairment that prevents the person from protecting the person (ORC § 959.07).
- (b) The violation may have an impact on the child or older adult residing with the alleged violator.

Members who fail to comply with the requirements of ORC § 959.08 shall be subject to discipline (ORC § 959.10).

See the Child Abuse and Adult or Vulnerable Person Abuse policies for additional guidance.

805.5.2 SOCIAL SERVICE AGENCY NOTIFICATION PROCEDURE

Members may make the notification in writing or orally. Notification should contain the following information if known (ORC § 959.09):

- (a) The name and description of the companion animal involved.
- (b) The address and telephone number of the owner or other person responsible for care of the companion animal.
- (c) The nature and extent of the suspected abuse.
- (d) Any other information that may be useful in establishing the existence of the suspected violation or the identity of the person causing the violation.

Information that is confidential or information that the member reasonably believes would jeopardize a pending criminal investigation may be excluded from the report (ORC § 959.09).

805.6 ANIMAL BITE REPORTS

Members investigating an animal bite should obtain as much information as possible for follow-up with the appropriate health or animal authorities. Efforts should be made to capture or otherwise have the animal placed under control. Members should attempt to identify and notify the owner of the final disposition of the animal.

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805.7 STRAY DOGS

If the dog has a license or can otherwise be identified, the owner should be contacted, if possible. If the owner is contacted, the dog should be released to the owner and a citation may be issued, if appropriate. If a dog is taken into custody, it shall be transported to the appropriate shelter/holding pen.

Members shall provide reasonable treatment to animals in their care (e.g., food, water, shelter).

805.8 DANGEROUS ANIMALS

In the event responding members cannot fulfill a request for service because an animal is difficult or dangerous to handle, the Shift OIC will be contacted to determine available resources, including requesting the assistance of animal control services from an allied agency.

805.9 PUBLIC NUISANCE CALLS RELATING TO ANIMALS

Members should diligently address calls related to nuisance animals (e.g., barking dogs), because such calls may involve significant quality-of-life issues.

Communications Training Officer Program

806.1 PURPOSE AND SCOPE

The Communications Training Officer Program is intended to provide a standardized program to facilitate the dispatcher's transition from the academic setting to the actual performance of communications duties of the Blue Ash Police Department.

It is the policy of this department to assign all newly hired dispatchers to a structured Communications Training Officer Program that is designed to prepare the new dispatcher to perform in an assignment and to acquire all of the skills needed to operate in a safe, productive and professional manner.

806.2 COMMUNICATIONS TRAINING OFFICER

The Communications Training Officer (CTO) is an experienced dispatcher trained in the art of supervising, training, and evaluating entry level and lateral dispatchers in the application of their previously acquired knowledge and skills.

806.2.1 SELECTION PROCESS

CTOs will be selected based on the following requirements:

- (a) Desire to be a CTO.
- (b) Minimum of three years of dispatch experience, one of which shall be with this department.
- (c) Demonstrated ability as a positive role model.
- (d) Participate and pass an internal oral interview selection process.
- (e) Evaluation by supervisors.

806.2.2 TRAINING

Members selected as a CTO shall successfully complete a Field Training Officer (FTO) or Communications Training Officer course approved by the department prior to assuming CTO duties.

806.3 COMMUNICATIONS TRAINING OFFICER PROGRAM SUPERVISOR

The Communications Training Officer supervisor will be selected from the ranks of sergeant or above by the Operations Bureau Commander or designee and should complete Department-approved FTO or CTO supervisory training within one year of appointment to this position.

The responsibilities of the CTO program supervisor include the following:

- (a) Assignment of trainees to CTOs.
- (b) Conduct CTO meetings.
- (c) Maintain and ensure CTO/trainee performance evaluations are completed.
- (d) Maintain, update, and issue the Communications Training Manual to each trainee.

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- (e) Monitor individual CTO performance.
- (f) Monitor the overall CTO program.
- (g) Develop ongoing training for CTOs.

806.4 TRAINEE DEFINED

Trainee - Any entry level or lateral dispatcher newly appointed to the Blue Ash Police Department.

806.5 REQUIRED TRAINING

Entry level and lateral dispatchers shall be required to successfully complete the Communications Training Program.

The required training will take place on at least two different shifts and with at least two different CTOs if reasonably possible.

806.5.1 COMMUNICATIONS TRAINING MANUAL

Each new dispatcher will be issued a Communications Training Manual at the beginning of his/her Primary Training Phase. This manual is an outline of the subject matter and skills necessary to properly function as a dispatcher with the Blue Ash Police Department. The dispatcher shall become knowledgeable of the subject matter as outlined. He/she shall also become proficient with those skills as set forth in the manual.

806.5.2 PROGRAM DURATION AND PHASING

The Communications Training Program is a minimum of 40 work days in duration. During the program, a maximum of two 4-day extension periods may be added by the Communications Training Officer supervisor at his/discretion. A third 4-day extension may be added at the discretion of the Chief of Police.

The 40-day program is divided into the following phases:

- Phase 1 consists of 16 work days. The first four days are "limbo days", during which time the trainee is not rated by the CTO. The trainee must satisfactorily complete a written test to advance to Phase 2.
- Phase 2 consists of 12 work days, the first two of which are limbo days. The trainee must satisfactorily complete a written test to advance to Phase 3.
- Phase 3 consists of 8 work days, the first two of which are limbo days. The trainee must satisfactorily complete both written and practical tests to advance to Phase 4.
- Phase 4 consists of 4 work days with no limbo days.

806.6 EVALUATIONS

Evaluations are an important part of the training process and shall be completed as outlined below.

806.6.1 COMMUNICATIONS TRAINING OFFICER

(a) CTOs shall complete and submit a written evaluation on the performance of their assigned trainee to their immediate supervisor on a daily basis.

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- (b) CTOs shall review the Daily Trainee Performance Evaluations with the trainee each day.
- (c) A detailed end-of-phase performance evaluation on the assigned trainee shall be completed by the CTO at the end of each phase of training.
- (d) CTOs shall be responsible for signing off on all completed topics contained in the Communications Training Manual, noting the method of learning and evaluating the performance of the assigned trainee.

806.6.2 CTO PROGRAM SUPERVISOR

The CTO supervisor shall review and approve the Daily Trainee Performance Evaluations.

The CTO supervisor will hold periodic meetings with all CTOs to ensure understanding and compliance with the requirements of the Communications Training Program. When necessary, the CTO supervisor will hold a process review meeting with all CTOs to discuss changes needed in the CTO program.

806.6.3 TRAINEE

At the completion of the Communications Training Program, the trainee shall submit a performance evaluation of each of his/her CTOs and of the Field Training Program.

806.7 DOCUMENTATION

All documentation of the Communications Training Program will be retained in the dispatcher's training files will consist of the following:

- (a) Daily Trainee Performance Evaluations.
- (b) End of Phase evaluations.

Chapter 9 - Custody

Temporary Custody of Adults

900.1 PURPOSE AND SCOPE

This policy provides guidelines to address the health and safety of adults taken into temporary custody by members of the Blue Ash Police Department for processing prior to being released or transferred to a housing or other type of facility.

Temporary custody of juveniles is addressed in the Temporary Custody of Juveniles Policy. Juveniles will not be permitted where adults in custody are being held.

Custodial searches are addressed in the Custodial Searches Policy.

900.1.1 DEFINITIONS

Definitions related to this policy include:

Holding cell/cell - Any locked enclosure for the custody of an adult or any other enclosure that prevents the occupants from being directly visually monitored at all times by a member of the Department.

Safety checks - Direct, visual observation by a member of this department performed at random intervals, within time frames prescribed in this policy, to provide for the health and welfare of adults in temporary custody.

Temporary custody - The time period an adult is in custody at the Blue Ash Police Department prior to being released or transported to a housing or other type of facility.

900.2 POLICY

The Blue Ash Police Department is committed to releasing adults from temporary custody as soon as reasonably practicable, and to keeping adults safe while in temporary custody at the Department. Adults should be in temporary custody only for as long as reasonably necessary for investigation, processing, transfer or release.

900.3 GENERAL CRITERIA AND SUPERVISION

No adult should be in temporary custody for longer than six hours (OAC § 5120:1-7-02(A)(5)).

900.3.1 INDIVIDUALS WHO SHOULD NOT BE IN TEMPORARY CUSTODY

Individuals who exhibit certain behaviors or conditions should not be in temporary custody at the Blue Ash Police Department, but should be transported to a county facility, a medical facility or other type of facility as appropriate. These include:

- (a) Any individual who is unconscious or has been unconscious while being taken into custody or while being transported.
- (b) Any individual who has a medical condition, including pregnancy, which requires medical attention, supervision or medication while in temporary custody.
- (c) Any individual who is seriously injured.
- (d) Individuals who are a suspected suicide risk (see the Civil Commitments Policy).

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1. If the officer taking custody of an individual believes that he/she may be a suicide risk, the officer shall ensure continuous direct supervision until evaluation, release or a transfer to an appropriate facility is completed.
- (e) Individuals who are obviously in crisis, as defined in the Crisis Intervention Incidents Policy.
- (f) Individuals who are under the influence of alcohol, a controlled substance or any substance to the degree that may require medical attention, or who have ingested any substance that poses a significant risk to their health, whether or not they appear intoxicated.
- (g) Any individual who has exhibited extremely violent or continuously violent behavior.
- (h) Any individual who has claimed, is known to be afflicted with, or displays symptoms of any communicable disease that poses an unreasonable exposure risk.
- (i) Any individual with a prosthetic or orthopedic device where removal of the device would be injurious to his/her health or safety.

Officers taking custody of a person who exhibits any of the above conditions should notify a supervisor of the situation. These individuals should not be in temporary custody at the Department unless they have been evaluated by a qualified medical or mental health professional, as appropriate for the circumstances.

900.3.2 SUPERVISION IN TEMPORARY CUSTODY

An authorized department member capable of supervising shall be present at all times when an individual is held in temporary custody. The member responsible for supervising should not have other duties that could unreasonably conflict with his/her supervision. Any individual in custody must be able to summon the supervising member if needed. If the person in custody is deaf or hard of hearing or cannot speak, accommodations shall be made to provide this ability.

No individual in custody shall be permitted to supervise, control or exert any authority over other individuals in custody.

900.3.3 ENTRY RESTRICTIONS

Entry into any location where a person is held in custody should be restricted to:

- (a) Authorized members entering for official business purposes.
- (b) Emergency medical personnel when necessary.
- (c) Any other person authorized by the Shift OIC.

When practicable, more than one authorized member should be present for entry into a location where a person is held in custody for security purposes and to witness interactions.

900.4 INITIATING TEMPORARY CUSTODY

The officer responsible for an individual in temporary custody should evaluate the person for any apparent chronic illness, disability, vermin infestation, possible communicable disease or any other potential risk to the health or safety of the individual or others. The officer should specifically

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ask if the individual is contemplating suicide and evaluate him/her for obvious signs or indications of suicidal intent.

The receiving officer should ask the arresting officer if there is any statement, indication or evidence surrounding the individual's arrest and transportation that would reasonably indicate the individual is at risk for suicide or critical medical care. If there is any suspicion that the individual may be suicidal, he/she shall be transported to jail or the appropriate mental health facility.

The officer should promptly notify the Shift OIC of any conditions that may warrant immediate medical attention or other appropriate action. The Shift OIC shall determine whether the individual will be placed in a cell, immediately released or transported to jail or other facility.

900.4.1 SCREENING AND PLACEMENT

The officer responsible for an individual in custody shall do the following:

- (a) Complete a BAPD Health Screening/Property Form and BAPD THF (Temporary Holding Facility) Log.
- (b) Advise the Shift OIC of any significant risks presented by the individual (e.g., suicide risk, health risk, violence).
- (c) Avoid placing an adult in a cell with another adult unless no other cell is available. When such placement is necessary, members shall:
 - 1. Consider whether the individual may be at a high risk of being sexually abused based on all available known information (28 CFR 115.141), or whether the person is facing any other identified risk.
 - 2. Provide any individual identified as being at a high risk for sexual or other victimization with heightened protection. This may include (28 CFR 115.113; 28 CFR 115.141):
 - (a) Continuous, direct sight and sound supervision.
 - (b) Single-cell placement in a cell that is actively monitored on video by a member who is available to immediately intervene.
 - 3. Ensure individuals are separated according to severity of the crime (e.g., felony or misdemeanor).
 - 4. Ensure males and females are separated by sight and sound when in cells.
 - 5. Ensure restrained individuals are not placed in cells with unrestrained individuals.
- (d) Ensure that those confined under civil process or for civil causes are kept separate from those who are in temporary custody pending criminal charges.
- (e) Ensure separation, as appropriate, based on other factors, such as age, criminal sophistication, assaultive/non-assaultive behavior, mental state, disabilities and sexual orientation.

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900.4.2 CONSULAR NOTIFICATION

Consular notification may be mandatory when certain foreign nationals are arrested. The Operations Bureau Commander will ensure that the U.S. Department of State's list of countries and jurisdictions that require mandatory notification is readily available to department members. There should also be a published list of foreign embassy and consulate telephone and fax numbers, as well as standardized notification forms that can be transmitted and then retained for documentation. Prominently displayed signs informing foreign nationals of their rights related to consular notification should also be posted in areas used for the temporary custody of adults.

Department members assigned to process a foreign national shall:

- (a) Inform the individual, without delay, that he/she may have his/her consular officers notified of the arrest or detention and may communicate with them.
 1. This notification should be documented.
- (b) Determine whether the foreign national's country is on the U.S. Department of State's mandatory notification list.
 1. If the country is on the mandatory notification list, then:
 - (a) Notify the country's nearest embassy or consulate of the arrest or detention by fax or telephone.
 - (b) Tell the individual that this notification has been made and inform him/her without delay that he/she may communicate with consular officers.
 - (c) Forward any communication from the individual to his/her consular officers without delay.
 - (d) Document all notifications to the embassy or consulate and retain the faxed notification and any fax confirmation for the individual's file.
 2. If the country is not on the mandatory notification list and the individual requests that his/her consular officers be notified, then:
 - (a) Notify the country's nearest embassy or consulate of the arrest or detention by fax or telephone.
 - (b) Forward any communication from the individual to his/her consular officers without delay.

900.5 SAFETY, HEALTH AND OTHER PROVISIONS

900.5.1 TEMPORARY CUSTODY LOGS

Any time an individual is in temporary custody at the Blue Ash Police Department, the custody shall be promptly and properly documented in a custody log, including:

- (a) Identifying information about the individual, including his/her name.
- (b) Date and time of arrival at the Department.
- (c) Any charges for which the individual is in temporary custody and any case number.
- (d) Time of all safety checks.

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- (e) Any medical and other screening requested and completed.
- (f) Any emergency situations or unusual incidents.
- (g) Any other information that may be required by other authorities, such as compliance inspectors.
- (h) Date and time of release from the Blue Ash Police Department.

The Shift OIC should make periodic checks to ensure all log entries and safety and security checks are made on time.

900.5.2 TEMPORARY CUSTODY REQUIREMENTS

Members monitoring or processing anyone in temporary custody shall ensure:

- (a) Safety checks and significant incidents/activities are noted on the log.
- (b) Individuals in custody are informed that they will be monitored at all times, except when using the toilet.
 - 1. There shall be no viewing devices, such as peep holes or mirrors, of which the individual is not aware.
 - 2. This does not apply to surreptitious and legally obtained recorded interrogations.
- (c) There is reasonable access to toilets and wash basins.
- (d) There is reasonable access to a drinking fountain or water.
- (e) There are reasonable opportunities to stand and stretch, particularly if handcuffed or otherwise restrained.
- (f) There is privacy during attorney visits.
- (g) Those in temporary custody are generally permitted to remain in their personal clothing unless it is taken as evidence or is otherwise unsuitable or inadequate for continued wear while in custody.
- (h) Disposable blankets should be provided if reasonably necessary to ensure the comfort of an individual.
 - 1. The Administration Bureau should ensure that there is an adequate supply of disposable blankets.
- (i) Adequate shelter, heat, light and ventilation are provided without compromising security or enabling escape.
- (j) Adequate furnishings are available, including suitable chairs or benches.

900.5.3 MEDICAL CARE

First-aid equipment and basic medical supplies should be available to department members.

Should a person in custody be injured or become ill, appropriate medical aid and the shift OIC will be summoned. A member shall meet with those providing medical aid at the facility to allow access to the person. Members shall comply with the opinion of medical personnel as to whether an

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individual in temporary custody should be transported to the hospital. If the person is transported while still in custody, he/she will be accompanied by an officer.

Those who require medication while in temporary custody should not be at the Blue Ash Police Department. They should be released or transferred to another facility as appropriate.

900.5.4 ORTHOPEDIC OR PROSTHETIC APPLIANCE

Subject to safety and security concerns, individuals shall be permitted to retain an orthopedic or prosthetic appliance. However, if the appliance presents a risk of bodily harm to any person or is a risk to the security of the facility, the appliance may be removed from the individual unless its removal would be injurious to his/her health or safety.

Whenever a prosthetic or orthopedic appliance is removed, the Shift OIC shall be promptly apprised of the reason. It shall be promptly returned when it reasonably appears that any risk no longer exists.

900.5.5 TELEPHONE CALLS

Every individual in temporary custody should be allowed to make a reasonable number of completed telephone calls (2935.20 ORC).

- (a) Telephone calls may be limited to local calls, except that long-distance calls may be made by the individual at his/her own expense.
 - 1. The Department should pay the cost of any long-distance calls related to arranging for the care of a child or dependent adult (see the Child and Dependent Adult Safety Policy).
- (b) The individual should be given sufficient time to contact whomever he/she desires and to make any necessary arrangements, including child or dependent adult care, or transportation upon release.
 - 1. Telephone calls are not intended to be lengthy conversations. The member assigned to monitor or process the individual may use his/her judgment in determining the duration of the calls.
- (c) Calls between an individual in temporary custody and his/her attorney shall be deemed confidential and shall not be monitored, eavesdropped upon or recorded.

900.5.6 RELIGIOUS ACCOMMODATION

Subject to available resources, safety and security, the religious beliefs and needs of all individuals in custody should be reasonably accommodated. Requests for religious accommodation should generally be granted unless there is a compelling security or safety reason and denying the request is the least restrictive means available to ensure security or safety. The responsible supervisor should be advised any time a request for religious accommodation is denied.

Those who request to wear headscarves or simple head coverings for religious reasons should generally be accommodated absent unusual circumstances. Head coverings shall be searched before being worn.

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Individuals wearing headscarves or other approved coverings shall not be required to remove them while in the presence of or while visible to the opposite sex if they so desire. Religious garments that substantially cover the individual's head and face may be temporarily removed during the taking of any photographs.

900.5.7 FIREARMS AND OTHER SECURITY MEASURES

Firearms and other weapons and control devices shall not be permitted in secure areas where individuals are in custody or are processed. They should be properly secured outside of the secure area. An exception may occur only during emergencies, upon approval of a supervisor.

All perimeter doors to secure areas shall be kept locked at all times, except during routine cleaning, when no individuals in custody are present or in the event of an emergency, such as an evacuation.

900.6 USE OF RESTRAINT DEVICES

Individuals in custody may be handcuffed in accordance with the Handcuffing and Restraints Policy. Unless an individual presents a heightened risk, handcuffs should generally be removed when the person is in a cell.

The use of restraints, other than handcuffs or leg irons, generally should not be used for individuals in temporary custody at the Blue Ash Police Department unless the person presents a heightened risk, and only in compliance with the Handcuffing and Restraints Policy.

Individuals in restraints shall be kept away from other unrestrained individuals in custody and monitored to protect them from abuse.

900.6.1 PREGNANT ADULTS

Women who are known to be pregnant or in any period of postpartum recovery (which can be up to six weeks after delivery) may only be restrained in accordance with the Handcuffing and Restraints Policy (ORC § 2901.10).

900.7 PERSONAL PROPERTY

The personal property of an individual in temporary custody should be removed, inventoried and processed as provided in the Custodial Searches Policy, unless the individual requests a different disposition. For example, an individual may request property (i.e., cash, car or house keys, medications) be released to another person. A request for the release of property to another person must be made in writing. Release of the property requires the recipient's signature on the appropriate form.

Upon release of an individual from temporary custody, his/her items of personal property shall be compared with the inventory, and he/she shall sign a receipt for the property's return. If the individual is transferred to another facility or court, the member transporting the individual is required to obtain the receiving person's signature as notice of receipt. The Department shall maintain a copy of the property receipt.

The Shift OIC shall be notified whenever an individual alleges that there is a shortage or discrepancy regarding his/her property. The Shift OIC shall attempt to prove or disprove the claim.

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900.8 HOLDING CELLS

A thorough inspection of a cell shall be conducted before placing an individual into the cell to ensure there are no weapons or contraband and that the cell is clean and sanitary. An inspection also should be conducted when he/she is released. Any damage noted to the cell should be photographed and documented.

The following requirements shall apply:

- (a) The individual shall be searched (see the Custodial Searches Policy), and anything that could create a security or suicide risk, such as contraband, hazardous items, belts, shoes or shoelaces and jackets, shall be removed.
- (b) The individual shall constantly be monitored by the video system during the entire custody.
- (c) The individual's initial placement into and removal from a locked enclosure shall be logged.
- (d) Safety checks by department members shall occur no less than every 15 minutes.
 - 1. Safety checks should be at varying times.
 - 2. All safety checks shall be logged.
 - 3. The safety check should involve questioning the individual as to his/her well-being.
 - 4. Individuals who are sleeping or apparently sleeping should be awakened.
 - 5. Requests or concerns of the individual should be logged.

900.9 SUICIDE ATTEMPT, DEATH OR SERIOUS INJURY

The Operations Bureau Commander will ensure procedures are in place to address any suicide attempt, death or serious injury of any individual in temporary custody at the Blue Ash Police Department. The procedures should include the following:

- (a) Immediate request for emergency medical assistance if appropriate.
- (b) Immediate notification of the Shift OIC, Chief of Police and Detective Bureau Commander.
- (c) Notification of the spouse, next of kin or other appropriate person.
- (d) Notification of the appropriate prosecutor.
- (e) Notification of the City Solicitor.
- (f) Notification of the Coroner.
- (g) Evidence preservation.

A suicide or suicide attempt by a detainee while housed in the temporary holding facility shall be documented on the appropriate report and forwarded to the facility manager. If the incident involves a completed suicide, the facility manager shall ensure that a copy of the report is forwarded to the Division of Parole and Community Services within 30 days (OAC § 5120:1-12-09).

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900.10 RELEASE AND/OR TRANSFER

When an individual is released or transferred from custody, the member releasing the individual should ensure the following:

- (a) All proper reports, forms and logs have been completed prior to release.
- (b) A check has been made to ensure that the individual is not reported as missing and does not have outstanding warrants.
- (c) It has been confirmed that the correct individual is being released or transported.
- (d) All property, except evidence, contraband or dangerous weapons, has been returned to, or sent with, the individual.
- (e) All pertinent documentation accompanies the individual being transported to another facility (e.g., copies of booking forms, medical records, an itemized list of his/her property, warrant copies).
- (f) The individual is not permitted in any nonpublic areas of the Blue Ash Police Department unless escorted by a member of the Department.
- (g) Any known threat or danger the individual may pose (e.g., escape risk, suicide potential, medical condition) is documented, and the documentation transported with the individual if he/she is being sent to another facility.
 - 1. The department member transporting the individual shall ensure such risks are communicated to intake personnel at the other facility.
- (h) Generally, persons of the opposite sex, or adults and juveniles, should not be transported in the same vehicle unless they are physically separated by a solid barrier. If segregating individuals is not practicable, officers should be alert to inappropriate physical or verbal contact and take appropriate action as necessary.

900.11 ASSIGNED ADMINISTRATOR

The Operations Bureau Commander will ensure any reasonably necessary supplemental procedures are in place to address the following issues:

- (a) General security
- (b) Key control
- (c) Sanitation and maintenance
- (d) Emergency medical treatment
- (e) Escapes
- (f) Evacuation plans
- (g) Fire- and life-safety
- (h) Disaster plans
- (i) Building and safety code compliance

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900.12 TRAINING

Department members should be trained and familiar with this policy and any supplemental procedures.

Custodial Searches

901.1 PURPOSE AND SCOPE

This policy provides guidance regarding searches of individuals in custody. Such searches are necessary to eliminate the introduction of contraband, intoxicants or weapons into the Blue Ash Police Department facility. Such items can pose a serious risk to the safety and security of department members, individuals in custody, contractors and the public.

Nothing in this policy is intended to prohibit the otherwise lawful collection of evidence from an individual in custody.

901.1.1 DEFINITIONS

Definitions related to this policy include:

Custody search - An in-custody search of an individual and of his/her property, shoes and clothing, including pockets, cuffs and folds on the clothing, to remove all weapons, dangerous items and contraband.

Physical body cavity search - A search that includes a visual inspection and may include a physical intrusion into a body cavity. Body cavity means the stomach or rectal cavity of an individual, and the vagina of a female person.

Strip search - A search that requires an individual to remove or rearrange some or all of his/her clothing to permit a visual inspection of the underclothing, breasts, buttocks, anus or outer genitalia. This includes monitoring an individual who is changing clothes, where his/her underclothing, buttocks, genitalia or female breasts are visible.

901.2 POLICY

All searches shall be conducted with concern for safety, dignity, courtesy, respect for privacy and hygiene, and in compliance with policy and law to protect the rights of those who are subject to any search.

Searches shall not be used for intimidation, harassment, punishment or retaliation.

901.3 FIELD AND TRANSPORTATION SEARCHES

An officer should conduct a custody search of an individual immediately after his/her arrest, when receiving an individual from the custody of another, and before transporting a person who is in custody in any department vehicle.

Whenever practicable, a custody search should be conducted by an officer of the same sex as the person being searched. If an officer of the same sex is not reasonably available, a witnessing officer should be present during the search.

901.4 SEARCHES AT POLICE FACILITIES

Custody searches shall be conducted on all individuals in custody, upon entry to the Blue Ash Police Department facilities. Except in exigent circumstances, the search should be conducted by

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a member of the same sex as the individual being searched. If a member of the same sex is not available, a witnessing member must be present during the search.

Custody searches should also be conducted any time an individual in custody enters or re-enters a secure area, or any time it is reasonably believed that a search is necessary to maintain the safety and security of the facility.

901.4.1 PROPERTY

Members shall take reasonable care in handling the property of an individual in custody to avoid discrepancies or losses. Property retained for safekeeping shall be kept in a secure location until the individual is released or transferred.

Some property may not be accepted by a facility or agency that is taking custody of an individual from this department, such as weapons or large items. These items should be retained for safekeeping in accordance with the Property and Evidence Policy.

All property shall be inventoried by objective description (this does not include an estimated value). The individual from whom it was taken shall be required to sign the completed inventory. If the individual's signature cannot be obtained, the inventory shall be witnessed by another department member. The inventory should include the case number, date, time, member's Blue Ash Police Department identification number and information regarding how and when the property may be released.

901.4.2 VERIFICATION OF MONEY

All money shall be counted in front of the individual from whom it was received. When possible, the individual shall initial the dollar amount on the inventory. Additionally, all money should be placed in a separate envelope and sealed. Negotiable checks or other instruments and foreign currency should also be sealed in an envelope with the amount indicated but not added to the cash total. All envelopes should clearly indicate the contents on the front. The department member sealing it should place his/her initials across the sealed flap. Should any money be withdrawn or added, the member making such change shall enter the amount below the original entry and initial it. The amount of money in the envelope should always be totaled and written on the outside of the envelope.

901.5 STRIP SEARCHES

No individual in temporary custody at any Blue Ash Police Department facility shall be subjected to a strip search unless there is probable cause based upon specific and articulable facts to believe the individual has a health condition requiring immediate medical attention or is concealing a weapon or contraband. Factors to be considered in determining probable cause include, but are not limited to:

- (a) The detection of an object during a custody search that may be a weapon or contraband and cannot be safely retrieved without a strip search.

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- (b) Circumstances of a current arrest that specifically indicate the individual may be concealing a weapon or contraband.
 - 1. A felony arrest charge or being under the influence of a controlled substance should not suffice as reasonable suspicion absent other facts.
- (c) Custody history (e.g., past possession of contraband while in custody, assaults on department members, escape attempts).
- (d) The individual's actions or demeanor.
- (e) Criminal history (i.e., level of experience in a custody setting).

No transgender or intersex detainee shall be searched or examined for the sole purpose of determining the detainee's genital status. If the detainee's genital status is unknown, it may be determined during conversations with the detainee, by reviewing medical records, or, if necessary, as part of a broader medical examination conducted in private by a medical practitioner (28 CFR 115.115).

901.5.1 STRIP SEARCH PROCEDURES

Strip searches at Blue Ash Police Department facilities shall be conducted as follows (28 CFR 115.115):

- (a) Written authorization from the Shift OIC shall be obtained prior to the strip search unless there is a legitimate medical reason or medical emergency (ORC § 2933.32(5)).
- (b) All members involved with the strip search shall be of the same sex as the individual being searched (ORC § 2933.32(B)(6)).
- (c) All strip searches shall be conducted in a professional manner under sanitary conditions and in a secure area of privacy so that it cannot be observed by those not participating in the search. The search shall not be reproduced through a visual or sound recording.
- (d) Whenever possible, a second member of the same sex should also be present during the search, for security and as a witness to the finding of evidence.
- (e) Members conducting a strip search shall not touch the breasts, buttocks or genitalia of the individual being searched.
- (f) The primary member conducting the search shall prepare a written report to include (ORC § 2933.32):
 - 1. The facts that led to the decision to perform a strip search.
 - 2. The reasons less intrusive methods of searching were not used or were insufficient.
 - 3. The written authorization for the search, obtained from the Shift OIC. If the strip search was conducted before or without the granting of written authorization by

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the Shift OIC, the legitimate medical reason or medical emergency that made obtaining written authorization impracticable.

4. The name of the individual who was searched.
 5. The name and sex of the members who conducted the search.
 6. The name, sex and role of any person present during the search.
 7. The time and date of the search.
 8. The place at which the search was conducted.
 9. A list of the items, if any, that were recovered.
 10. The facts upon which the member based his/her belief that the individual was concealing a weapon or contraband.
- (g) No member should view an individual's private underclothing, buttocks, genitalia or female breasts while that individual is showering, performing bodily functions or changing clothes, unless he/she otherwise qualifies for a strip search. However, if serious hygiene or health issues make it reasonably necessary to assist the individual with a shower or a change of clothes, a supervisor should be contacted to ensure reasonable steps are taken to obtain the individual's consent and/or otherwise protect his/her privacy and dignity.
- (h) A copy of the written report shall be retained and a copy shall be provided to the individual searched (ORC § 2933.32(C)(2)).

901.5.2 SPECIAL CIRCUMSTANCE FIELD STRIP SEARCHES

A strip search may be conducted in the field only with Shift OIC authorization and only in exceptional circumstances, such as when:

- (a) There is probable cause to believe that the individual is concealing a weapon or other dangerous item that cannot be recovered by a more limited search.
- (b) There is probable cause to believe that the individual is concealing controlled substances or evidence that cannot be recovered by a more limited search, and there is no reasonable alternative to ensure the individual cannot destroy or ingest the substance during transportation.

These special-circumstance field strip searches shall only be authorized and conducted under the same restrictions as the strip search procedures in this policy, except that the Shift OIC authorization does not need to be in writing.

901.6 BODY CAVITY SEARCH

Physical body cavity searches shall be subject to the following:

- (a) No individual shall be subjected to a physical body cavity search without written approval of the Shift OIC and only upon a search warrant or approval of legal counsel.

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A copy of any search warrant and the results of the physical body cavity search shall be included with the related reports and made available, upon request, to the individual or authorized representative (except for those portions of the warrant ordered sealed by a court).

- (b) Only a physician, registered nurse or licensed practical nurse who is registered or licensed to practice in Ohio who is of the same sex as the individual to be searched may conduct a physical body cavity search (ORC § 2933.32(B)(4)).
- (c) All persons present must be of the same sex as the individual being searched. Only the necessary department members needed to maintain the safety and security of the medical personnel shall be present (ORC § 2933.32(B)(6)).
- (d) Privacy requirements, including restricted touching of body parts and sanitary condition requirements, are the same as required for a strip search (ORC § 2933.32(B)(4); ORC § 2933.32(B)(6)).
- (e) All such searches shall be documented in a written report, including (ORC § 2933.32):
 - 1. The facts that led to the decision to perform a physical body cavity search of the individual.
 - 2. The reasons less intrusive methods of searching were not used or were insufficient.
 - 3. The Shift OIC's written approval.
 - 4. Legal counsel approval if the search was conducted for a legitimate medical reason or medical emergency without a warrant.
 - 5. A copy of the search warrant.
 - 6. The name of the individual searched.
 - 7. The time, date and location of the search.
 - 8. The medical personnel present.
 - 9. The names, sex and roles of any department members present.
 - 10. Any contraband or weapons discovered by the search.
- (f) A copy of the written report shall be retained and shall be provided to the individual who was searched or other authorized representative (ORC § 2933.32(C)(2)).

901.7 TRAINING

The Administrative Lieutenant and FTO Supervisor shall ensure members have training that includes (28 CFR 115.115):

- (a) Conducting searches of cross-gender individuals.
- (b) Conducting searches of transgender and intersex individuals.

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- (c) Conducting searches in a professional and respectful manner, and in the least intrusive manner possible, consistent with security needs.

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902.1 PURPOSE AND SCOPE

This policy provides guidance for complying with the Prison Rape Elimination Act of 2003 (PREA) and the implementing regulation that establishes standards (PREA Rule) to prevent, detect and respond to sexual abuse, harassment and retaliation against detainees in the Blue Ash Police Department Temporary Holding Facilities (28 CFR 115.111).

902.1.1 DEFINITIONS

Definitions related to this policy include:

Intersex - A person whose sexual or reproductive anatomy or chromosomal pattern does not seem to fit typical definitions of male or female. Intersex medical conditions are sometimes referred to as disorders of sex development (28 CFR 115.5).

Sexual abuse - Any of the following acts, if the detainee does not consent, is coerced into such act by overt or implied threats of violence or is unable to consent or refuse:

- Contact between the penis and the vulva or the penis and the anus, including penetration, however slight
- Contact between the mouth and the penis, vulva or anus
- Penetration of the anal or genital opening of another person, however slight, by a hand, finger, object or other instrument
- Any other intentional touching, either directly or through the clothing, of the genitalia, anus, groin, breast, inner thigh or the buttocks of another person, excluding contact incidental to a physical altercation (28 CFR 115.6)

Sexual abuse also includes abuse by a staff member, contractor or volunteer as follows, with or without consent of the detainee or resident:

- Contact between the penis and the vulva or the penis and the anus, including penetration, however slight
- Contact between the mouth and the penis, vulva or anus
- Contact between the mouth and any body part where the staff member, contractor or volunteer has the intent to abuse, arouse or gratify sexual desire
- Penetration of the anal or genital opening, however slight, by a hand, finger, object or other instrument, that is unrelated to official duties, or where the staff member, contractor or volunteer has the intent to abuse, arouse or gratify sexual desire
- Any other intentional contact, either directly or through the clothing, of or with the genitalia, anus, groin, breast, inner thigh or the buttocks, that is unrelated to official duties, or where the staff member, contractor or volunteer has the intent to abuse, arouse or gratify sexual desire

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- Any attempt, threat or request by a staff member, contractor or volunteer to engage in the activities described above
- Any display by a staff member, contractor or volunteer of his/her uncovered genitalia, buttocks or breast in the presence of a detainee or resident
- Voyeurism by a staff member, contractor or volunteer (28 CFR 115.6)

Sexual harassment - Repeated and unwelcome sexual advances; requests for sexual favors; verbal comments, gestures or actions of a derogatory or offensive sexual nature by one detainee or resident that are directed toward another; repeated verbal comments or gestures of a sexual nature to a detainee or resident by a staff member, contractor or volunteer, including demeaning references to gender, sexually suggestive or derogatory comments about body or clothing, or obscene language or gestures (28 CFR 115.6).

Transgender - A person whose gender identity (i.e., internal sense of feeling male or female) is different from the person's assigned sex at birth (28 CFR 115.5).

902.2 POLICY

The Blue Ash Police Department has zero tolerance toward all forms of sexual abuse and sexual harassment (28 CFR 115.111). The Department will not tolerate retaliation against any person who reports sexual abuse or sexual harassment or who cooperates with a sexual abuse or sexual harassment investigation.

The Blue Ash Police Department will take immediate action to protect detainees who are reasonably believed to be subject to a substantial risk of imminent sexual abuse (28 CFR 115.162).

902.3 PREA COORDINATOR

The Chief of Police shall appoint an upper-level manager with sufficient time and authority to develop, implement and oversee department efforts to comply with PREA standards in the Blue Ash Police Department Temporary Holding Facilities (28 CFR 115.111). The PREA Coordinator's responsibilities shall include:

- (a) Developing and maintaining procedures to comply with the PREA Rule.
- (b) Ensuring that any contract for the confinement of Blue Ash Police Department detainees includes the requirement to adopt and comply with applicable PREA and the PREA Rule, including the obligation to provide incident-based and aggregated data, as required in 28 CFR 115.187 (28 CFR 115.112).
- (c) Developing a staffing plan to provide adequate levels of staffing and video monitoring, where applicable, in order to protect detainees from sexual abuse (28 CFR 115.113). This includes documenting deviations and the reasons for deviations from the staffing plan, as well as reviewing the staffing plan a minimum of once per year.
- (d) Developing methods for staff to privately report sexual abuse and sexual harassment of detainees (28 CFR 115.151).

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- (e) Developing a written plan to coordinate response among staff first responders, medical and mental health practitioners, investigators and department leadership to an incident of sexual abuse (28 CFR 115.165).
- (f) Ensuring a protocol is developed for investigating allegations of sexual abuse in the Temporary Holding Facility. The protocol shall include (28 CFR 115.121; 28 CFR 115.122):
 - 1. Evidence collection practices that maximize the potential for obtaining usable physical evidence based on the most recent edition of the U.S. Department of Justice's (DOJ) Office on Violence Against Women publication, "A National Protocol for Sexual Assault Medical Forensic Examinations, Adults/Adolescents" or a similarly comprehensive and authoritative protocol.
 - 2. A process to ensure a criminal or administrative investigation is completed on all allegations of sexual abuse or sexual harassment.
 - 3. A process to document all referrals to other law enforcement agencies.
 - 4. Access to forensic medical examinations, without financial cost, for all victims of sexual abuse where appropriate. Such examinations shall be performed by Sexual Assault Forensic Examiners (SAFEs) or Sexual Assault Nurse Examiners (SANEs) where possible. If SAFEs or SANEs cannot be made available, the examination can be performed by other qualified medical practitioners. The efforts to provide SAFEs or SANEs shall be documented.
 - 5. In accordance with security needs, provisions to permit, to the extent available, detainee access to victim advocacy services if the detainee is transported for a forensic examination to an outside hospital that offers such services.
- (g) Ensuring that detainees with limited English proficiency and disabilities have an equal opportunity to understand and benefit from efforts to prevent, detect and respond to sexual abuse and sexual harassment. This includes, as appropriate, access to interpreters and written materials in formats or through methods that provide effective communication to those with disabilities (e.g., limited reading skills, intellectual, hearing or vision disabilities) (28 CFR 115.116).
 - 1. The agency shall not rely on other detainees for assistance except in limited circumstances where an extended delay in obtaining an interpreter could compromise the detainee's safety, the performance of first-response duties under this policy, or the investigation of a detainee's allegations of sexual abuse, harassment or retaliation.
- (h) Publishing on the department's website:
 - 1. Information on how to report sexual abuse and sexual harassment on behalf of a detainee (28 CFR 115.154).

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2. A protocol describing the responsibilities of the Department and any other investigating agency that will be responsible for conducting sexual abuse or sexual harassment investigations (28 CFR 115.122).
- (i) Establishing a process that includes the use of a standardized form and set of definitions to ensure accurate, uniform data is collected for every allegation of sexual abuse at facilities under this agency's direct control (28 CFR 115.187).
 1. The data collected shall include, at a minimum, the data necessary to answer all questions from the most recent version of the Survey of Sexual Violence, conducted by DOJ, or any subsequent form developed by DOJ and designated for lockups.
 2. The data shall be aggregated at least annually.
- (j) Ensuring audits are conducted pursuant to 28 CFR 115.401 through 28 CFR 115.405 for all Temporary Holding Facilities used to house detainees overnight (28 CFR 115.193).
- (k) Ensuring contractors or others who work in the Temporary Holding Facility are informed of the agency's zero-tolerance policy regarding sexual abuse and sexual harassment (28 CFR 115.132).

902.4 REPORTING SEXUAL ABUSE AND HARASSMENT

Detainees may make reports verbally, in writing, privately or anonymously of any of the following (28 CFR 115.151):

- Sexual abuse
- Sexual harassment
- Retaliation by other detainees or staff for reporting sexual abuse or sexual harassment
- Staff neglect or violation of responsibilities that may have contributed to sexual abuse or sexual harassment

During intake the Department shall notify all detainees of the zero-tolerance policy regarding sexual abuse and sexual harassment, and of at least one way to report abuse or harassment to a public or private entity that is not part of the Department and that is able to receive and immediately forward detainee reports of sexual abuse and sexual harassment to agency officials. This allows the detainee to remain anonymous (28 CFR 115.132; 28 CFR 115.151).

902.4.1 MEMBER RESPONSIBILITIES

Department members shall accept reports from detainees and third parties and shall promptly document all reports (28 CFR 115.151).

All members shall report immediately to the Shift OIC any knowledge, suspicion or information regarding:

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- (a) An incident of sexual abuse or sexual harassment that occurs in the Temporary Holding Facility.
- (b) Retaliation against detainees or the member who reports any such incident.
- (c) Any neglect or violation of responsibilities on the part of any department member that may have contributed to an incident or retaliation (28 CFR 115.161).

No member shall reveal any information related to a sexual abuse report to anyone other than to the extent necessary to make treatment and investigation decisions.

902.4.2 SHIFT OIC RESPONSIBILITIES

The Shift OIC shall report to the department's designated investigators all allegations of sexual abuse, harassment, retaliation, neglect or violations leading to sexual abuse, harassment or retaliation. This includes third-party and anonymous reports (28 CFR 115.161).

If the alleged victim is under the age of 18 or considered a vulnerable adult, the Shift OIC shall also report the allegation as required under mandatory reporting laws and department policy.

Upon receiving an allegation that a detainee was sexually abused while confined at another facility, the Shift OIC shall notify the head of the facility or the appropriate office of the agency where the alleged abuse occurred. The notification shall be made as soon as possible but no later than 72 hours after receiving the allegation. The Shift OIC shall document such notification (28 CFR 115.163).

If an alleged detainee victim is transferred from the Temporary Holding Facility to a jail, prison or medical facility, the Department shall, as permitted by law, inform the receiving facility of the incident and the detainee's potential need for medical or social services, unless the detainee requests otherwise (28 CFR 115.165).

902.5 INVESTIGATIONS

The Department shall promptly, thoroughly and objectively investigate all allegations, including third-party and anonymous reports, of sexual abuse or sexual harassment. Only investigators who have received department-approved special training shall conduct sexual abuse investigations (28 CFR 115.171).

902.5.1 FIRST RESPONDERS

The first officer to respond to a report of sexual abuse or sexual assault shall (28 CFR 115.164):

- (a) Separate the parties.
- (b) Establish a crime scene to preserve and protect any evidence. Identify and secure witnesses until steps can be taken to collect any evidence.
- (c) If the abuse occurred within a time period that still allows for the collection of physical evidence, request that the alleged victim not take any actions that could destroy physical evidence, including, as appropriate, washing, brushing teeth, changing clothes, urinating, defecating, smoking, drinking or eating.

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- (d) If the abuse occurred within a time period that still allows for the collection of physical evidence, ensure that the alleged abuser does not take any actions that could destroy physical evidence, including, as appropriate, washing, brushing teeth, changing clothes, urinating, defecating, smoking, drinking or eating.

If the first responder is not an officer the responder shall request that the alleged victim not take any actions that could destroy physical evidence and should then notify a law enforcement staff member (28 CFR 115.164).

902.5.2 INVESTIGATOR RESPONSIBILITIES

Investigators shall (28 CFR 115.171):

- (a) Gather and preserve direct and circumstantial evidence, including any available physical and biological evidence and any available electronic monitoring data.
- (b) Interview alleged victims, suspects and witnesses.
- (c) Review any prior complaints and reports of sexual abuse involving the suspect.
- (d) Conduct compelled interviews only after consulting with prosecutors as to whether compelled interviews may be an obstacle for subsequent criminal prosecution.
- (e) Assess the credibility of the alleged victim, suspect or witness on an individual basis and not by the person's status as a detainee or a member of the Blue Ash Police Department.
- (f) Document in written reports a description of physical, testimonial, documentary and other evidence, the reasoning behind any credibility assessments, and investigative facts and findings.
- (g) Refer allegations of conduct that may be criminal to the County Prosecutor for possible prosecution, including any time there is probable cause to believe a detainee sexually abused another detainee in the Temporary Holding Facility (28 CFR 115.178).
- (h) Cooperate with outside investigators and remain informed about the progress of any outside investigation.

902.5.3 ADMINISTRATIVE INVESTIGATIONS

Administrative investigations shall include an effort to determine whether staff actions or failures to act contributed to the abuse. The departure of the alleged abuser or victim from the employment or control of this department shall not be used as a basis for terminating an investigation (28 CFR 115.171).

902.5.4 SEXUAL ASSAULT AND SEXUAL ABUSE VICTIMS

No detainee who alleges sexual abuse shall be required to submit to a polygraph examination or other truth-telling device as a condition for proceeding with the investigation of such an allegation (28 CFR 115.171(e)).

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Detainee victims of sexual abuse shall receive timely, unimpeded access to emergency medical treatment. Treatment services shall be provided to the victim without financial cost and regardless of whether the victim names the abuser or cooperates with any investigation arising out of the incident (28 CFR 115.182).

902.5.5 CONCLUSIONS AND FINDINGS

All completed investigations shall be forwarded to the Chief of Police, or if the allegations may reasonably involve the Chief of Police, to the City Manager. The Chief of Police or City Manager shall review the investigation and determine whether any allegations of sexual abuse or sexual harassment have been substantiated by a preponderance of the evidence (28 CFR 115.172).

All personnel shall be subject to disciplinary sanctions up to and including termination for violating this policy. Termination shall be the presumptive disciplinary sanction for department members who have engaged in sexual abuse. All discipline shall be commensurate with the nature and circumstances of the acts committed, the member's disciplinary history and the sanctions imposed for comparable offenses by other members with similar histories (28 CFR 115.176).

All terminations for violations of this policy, or resignations by members who would have been terminated if not for their resignation, shall be criminally investigated unless the activity was clearly not criminal and reported to any relevant licensing body (28 CFR 115.176).

Any contractor or volunteer who engages in sexual abuse shall be prohibited from contact with detainees and reported to any relevant licensing bodies (28 CFR 115.177). The Chief of Police shall take appropriate remedial measures and consider whether to prohibit further contact with detainees by a contractor or volunteer.

902.6 RETALIATION PROHIBITED

All detainees and members who report sexual abuse or sexual harassment or who cooperate with sexual abuse or sexual harassment investigations shall be protected from retaliation (28 CFR 115.167). If any other individual who cooperates with an investigation expresses a fear of retaliation, appropriate measures shall be taken to protect that individual.

The Shift OIC or the authorized designee shall employ multiple protection measures, such as housing changes or transfers for detainee victims or abusers, removal of alleged abusers from contact with victims, and emotional support services for detainees or members who fear retaliation for reporting sexual abuse or sexual harassment or for cooperating with investigations.

The Shift OIC or the authorized designee shall identify a staff member to monitor the conduct and treatment of detainees or members who have reported sexual abuse and of detainees who were reported to have suffered sexual abuse. The staff member shall act promptly to remedy any such retaliation. In the case of detainees, such monitoring shall also include periodic status checks.

902.7 REVIEWS AND AUDITS

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902.7.1 INCIDENT REVIEWS

An incident review shall be conducted at the conclusion of every sexual abuse investigation, unless the allegation has been determined to be unfounded. The review should occur within 30 days of the conclusion of the investigation. The review team shall include upper-level management officials and seek input from line supervisors and investigators (28 CFR 115.186).

The review shall (28 CFR 115.186):

- (a) Consider whether the allegation or investigation indicates a need to change policy or practice to better prevent, detect or respond to sexual abuse.
- (b) Consider whether the incident or allegation was motivated by race; ethnicity; gender identity; lesbian, gay, bisexual, transgender or intersex identification, status or perceived status; gang affiliation; or was motivated or otherwise caused by other group dynamics at the facility.
- (c) Examine the area in the facility where the incident allegedly occurred to assess whether physical barriers in the area may enable abuse.
- (d) Assess the adequacy of staffing levels in that area during different shifts.
- (e) Assess whether monitoring technology should be deployed or augmented to supplement supervision by staff.

The review team shall prepare a report of its findings, including any determinations made pursuant to this section and any recommendations for improvement. The report shall be submitted to the Chief of Police and the PREA Coordinator. The Chief of Police or the authorized designee shall implement the recommendations for improvement or shall document the reasons for not doing so (28 CFR 115.186).

902.7.2 DATA REVIEWS

The facility shall conduct an annual review of collected and aggregated incident-based sexual abuse data. The review should include, as needed, data from incident-based documents, including reports, investigation files and sexual abuse incident reviews (28 CFR 115.187).

The purpose of these reviews is to assess and improve the effectiveness of sexual abuse prevention, detection and response policies, practices and training. An annual report shall be prepared that includes (28 CFR 115.188):

- (a) Identification of any potential problem areas.
- (b) Identification of any corrective actions taken.
- (c) Recommendations for any additional corrective actions.
- (d) A comparison of the current year's data and corrective actions with those from prior years.
- (e) An assessment of the department's progress in addressing sexual abuse.

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The report shall be approved by the Chief of Police and made readily available to the public through the department website or, if it does not have one, through other means. Material may be redacted from the reports when publication would present a clear and specific threat to the safety and security of the Temporary Holding Facility. However, the nature of the redacted material shall be indicated.

All aggregated sexual abuse data from Blue Ash Police Department facilities and private facilities with which it contracts shall be made readily available to the public at least annually through the department website or, if it does not have one, through other means. Before making aggregated sexual abuse data publicly available, all personal identifiers shall be removed (28 CFR 115.189).

902.8 RECORDS

The Department shall retain all written reports from administrative and criminal investigations pursuant to this policy for as long as the alleged abuser is held or employed by the Department, plus five years (28 CFR 115.171).

All other data collected pursuant to this policy shall be securely retained for at least 10 years after the date of the initial collection unless federal, state or local law requires otherwise (28 CFR 115.189).

902.9 TRAINING

All employees, volunteers and contractors who may have contact with detainees shall receive department-approved training on the prevention and detection of sexual abuse and sexual harassment within this facility. The Administrative Lieutenant shall be responsible for developing and administering this training as appropriate, covering at a minimum (28 CFR 115.131):

- The Department's zero-tolerance policy and detainees' right to be free from sexual abuse and sexual harassment, and from retaliation for reporting sexual abuse or harassment.
- The dynamics of sexual abuse and harassment in confinement settings, including which detainees are most vulnerable.
- The right of detainees and staff members to be free from sexual abuse and sexual harassment, and from retaliation for reporting sexual abuse or harassment.
- Detecting and responding to signs of threatened and actual abuse.
- Communicating effectively and professionally with all detainees.
- Compliance with relevant laws related to mandatory reporting of sexual abuse to outside authorities.

Investigators assigned to sexual abuse investigations shall also receive training in conducting such investigations in confinement settings. Training should include (28 CFR 115.134):

- Techniques for interviewing sexual abuse victims.
- Proper use of *Miranda* and *Garrity* warnings.

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- Sexual abuse evidence collection in confinement settings.
- Criteria and evidence required to substantiate a case for administrative action or prosecution referral.

The Administrative Lieutenant shall maintain documentation that employees, volunteers, contractors and investigators have completed required training and that they understand the training. This understanding shall be documented through individual signature or electronic verification.

All current employees and volunteers who may have contact with detainees shall be trained within one year of the effective date of the PREA standards. The agency shall provide annual refresher information to all such employees and volunteers to ensure that they understand the current sexual abuse and sexual harassment policies and procedures.

Chapter 10 - Personnel

Recruitment and Selection

1000.1 PURPOSE AND SCOPE

This policy provides a framework for employee recruiting efforts and identifying job-related standards for the selection process. This policy supplements the rules that govern employment practices for the Blue Ash Police Department and that are promulgated and maintained by the Human Resources Office.

1000.2 POLICY

In accordance with applicable federal, state, and local law, the Blue Ash Police Department provides equal opportunities for applicants and employees regardless of actual or perceived race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, age, disability, pregnancy, genetic information, veteran status, marital status, and any other classification or status protected by law. The Department does not show partiality or grant any special status to any applicant, employee, or group of employees unless otherwise required by law.

The Department will recruit and hire only those individuals who demonstrate a commitment to service and who possess the traits and characteristics that reflect personal integrity and high ethical standards.

1000.3 RECRUITMENT

The Administration Bureau Commander shall employ a comprehensive recruitment and selection strategy/plan to recruit and select employees from a qualified and diverse pool of candidates.

The strategy/plan may include but is not limited to the following activities:

- (a) Identification of racially and culturally diverse target markets
- (b) Use of marketing strategies to target diverse applicant pools (e.g., distributing informational brochures)
- (c) Expanded use of technology and maintenance of a strong internet presence. This may include an interactive department website and the use of department-managed social networking sites, if resources permit.
- (d) Expanded outreach through partnerships with media, community groups, citizen academies, local colleges, universities, and the military
- (e) Employee referral and recruitment incentive programs
- (f) Consideration of shared or collaborative regional testing processes

The Administration Bureau Commander shall avoid advertising, recruiting, and screening practices that tend to stereotype, focus on homogeneous applicant pools, or screen applicants in a discriminatory manner.

The Department should strive to facilitate and expedite the screening and testing process, and should periodically inform each candidate of their status in the recruiting process.

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1000.4 SELECTION PROCESS

The Department shall actively strive to identify a diverse group of candidates that have in some manner distinguished themselves as being outstanding prospects. Minimally, the Department should employ a comprehensive screening, background investigation, and selection process that assesses cognitive and physical abilities and includes review and verification of the following:

- (a) A comprehensive application for employment (including previous employment, references, current and prior addresses, education, military record)
- (b) Driving record
- (c) Reference checks
- (d) Employment eligibility, including U.S. Citizenship and Immigration Services (USCIS) Employment Eligibility Verification Form I-9 and acceptable identity and employment authorization documents. This required documentation should not be requested until a candidate is hired. This does not prohibit obtaining documents required for other purposes.
- (e) Information obtained from public internet sites
- (f) Financial history consistent with the Fair Credit Reporting Act (FCRA) (15 USC § 1681 et seq.)
- (g) Local, state, and federal criminal history record checks
- (h) Polygraph or voice stress analyzer examination (when legally permissible)
- (i) Medical and psychological examination (may only be given after a conditional offer of employment)
- (j) Review board or selection committee assessment

1000.4.1 APPLICATION PROCESS

The Chief of Police or designee shall maintain documentation defining a fair and impartial application process.

- (a) All elements of the process, including physical ability testing, shall be job-related and nondiscriminatory.
- (b) All elements of the process shall be administered, scored and interpreted in a uniform manner.

1000.5 BACKGROUND INVESTIGATION

Every candidate shall undergo a thorough background investigation to verify his/her personal integrity and high ethical standards, and to identify any past behavior that may be indicative of the candidate's unsuitability to perform duties relevant to the operation of the Blue Ash Police Department.

1000.5.1 NOTICES

Background investigators shall ensure that investigations are conducted and notices provided in accordance with the requirements of the FCRA (15 USC § 1681d).

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1000.5.2 REVIEW OF SOCIAL MEDIA SITES

Due to the potential for accessing unsubstantiated, private or protected information, the Administration Bureau Commander should not require candidates to provide passwords, account information or access to password-protected social media accounts.

The Administration Bureau Commander should consider utilizing the services of an appropriately trained and experienced third party to conduct open source, internet-based searches and/or review information from social media sites to ensure that:

- (a) The legal rights of candidates are protected.
- (b) Material and information to be considered are verified, accurate and validated.
- (c) The Department fully complies with applicable privacy protections and local, state and federal law.

Regardless of whether a third party is used, the Administration Bureau Commander should ensure that potentially impermissible information is not available to any person involved in the candidate selection process.

1000.5.3 DOCUMENTING AND REPORTING

The background investigator shall summarize the results of the background investigation in a report that includes sufficient information to allow the reviewing authority to decide whether to extend a conditional offer of employment. The report shall not include any information that is prohibited from use, including that from social media sites, in making employment decisions. The report and all supporting documentation shall be included in the candidate's background investigation file.

1000.5.4 RECORDS RETENTION

The background report and all supporting documentation shall be maintained in accordance with the established records retention schedule.

1000.6 DISQUALIFICATION GUIDELINES

As a general rule, performance indicators and candidate information and records shall be evaluated by considering the candidate as a whole, and taking into consideration the following:

- Age at the time the behavior occurred
- Passage of time
- Patterns of past behavior
- Severity of behavior
- Probable consequences if past behavior is repeated or made public
- Likelihood of recurrence
- Relevance of past behavior to public safety employment
- Aggravating and mitigating factors

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- Other relevant considerations

A candidate's qualifications will be assessed on a case-by-case basis, using a totality-of-the-circumstances framework.

1000.7 EMPLOYMENT STANDARDS

All candidates shall meet the minimum standards required by state law. Candidates will be evaluated based on merit, ability, competence and experience, in accordance with the high standards of integrity and ethics valued by the Department and the community.

Validated, job-related and nondiscriminatory employment standards shall be established for each job classification and shall minimally identify the training, abilities, knowledge and skills required to perform the position's essential duties in a satisfactory manner. Each standard should include performance indicators for candidate evaluation. The Human Resources Office should maintain validated standards for all positions.

1000.7.1 STANDARDS FOR OFFICERS

Candidates shall meet the minimum standards for training and certification established by the Ohio Peace Officer Training Commission (OPOTC) prior to permanent employment as a peace officer (ORC § 109.73).

1000.8 ANNUAL REVIEW

The Human Resources Officer shall review the recruitment and hiring activities annually. This review will be documented.

1000.9 TRAINING

Annual recruitment and hiring training should be provided for those members involved in recruitment and hiring activities. Training should include, but is not limited to, the recruitment and hiring plan, the department's equal employment opportunity plan, recruitment and hiring qualifications, the department's application and selection processes, and the department's annual review/analysis of the recruitment and hiring process.

1000.9.1 POLICY ACKNOWLEDGEMENT

Applicable department members shall initially read and sign that they understand this policy.

1000.10 PROBATIONARY PERIODS

The Chief of Police or designee should coordinate with the Blue Ash Human Resources Office to identify positions subject to probationary periods and procedures for:

- (a) Appraising performance during probation.
- (b) Assessing the level of performance required to complete probation.
- (c) Extending probation.
- (d) Documenting successful or unsuccessful completion of probation.

Anti-Retaliation

1001.1 PURPOSE AND SCOPE

This policy prohibits retaliation against members who identify workplace issues, such as fraud, waste, abuse of authority, gross mismanagement or any inappropriate conduct or practices, including violations that may pose a threat to the health, safety or well-being of members.

This policy does not prohibit actions taken for nondiscriminatory or non-retaliatory reasons, such as discipline for cause.

These guidelines are intended to supplement and not limit members' access to other applicable remedies. Nothing in this policy shall diminish the rights or remedies of a member pursuant to any applicable federal law, provision of the U.S. Constitution, law, ordinance or collective bargaining agreement.

1001.2 POLICY

The Blue Ash Police Department has a zero tolerance for retaliation and is committed to taking reasonable steps to protect from retaliation members who, in good faith, engage in permitted behavior or who report or participate in the reporting or investigation of workplace issues. All complaints of retaliation will be taken seriously and will be promptly and appropriately investigated.

1001.3 RETALIATION PROHIBITED

No member may retaliate against any person for engaging in lawful or otherwise permitted behavior; for opposing a practice believed to be unlawful, unethical, discriminatory or retaliatory; for reporting or making a complaint under this policy; or for participating in any investigation related to a complaint under this or any other policy.

Retaliation includes any adverse action or conduct, including but not limited to:

- Refusing to hire or denying a promotion.
- Extending the probationary period.
- Unjustified reassignment of duties or change of work schedule.
- Real or implied threats or other forms of intimidation to dissuade the reporting of wrongdoing or filing of a complaint, or as a consequence of having reported or participated in protected activity.
- Taking unwarranted disciplinary action.
- Spreading rumors about the person filing the complaint or about the alleged wrongdoing.
- Shunning or unreasonably avoiding a person because he/she has engaged in protected activity.

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1001.4 COMPLAINTS OF RETALIATION

Any member who feels he/she has been retaliated against in violation of this policy should promptly report the matter to any supervisor, command staff member, Chief of Police or the City Human Resources Officer.

Members shall act in good faith, not engage in unwarranted reporting of trivial or minor deviations or transgressions, and make reasonable efforts to verify facts before making any complaint in order to avoid baseless allegations. Members shall not report or state an intention to report information or an allegation knowing it to be false, with willful or reckless disregard for the truth or falsity of the information or otherwise act in bad faith.

Investigations are generally more effective when the identity of the reporting member is known, thereby allowing investigators to obtain additional information from the reporting member. However, complaints may be made anonymously. All reasonable efforts shall be made to protect the reporting member's identity. However, confidential information may be disclosed to the extent required by law or to the degree necessary to conduct an adequate investigation and make a determination regarding a complaint. In some situations, the investigative process may not be complete unless the source of the information and a statement by the member is part of the investigative process.

1001.5 SUPERVISOR RESPONSIBILITIES

Supervisors are expected to remain familiar with this policy and ensure that members under their command are aware of its provisions.

The responsibilities of supervisors include, but are not limited to:

- (a) Ensuring complaints of retaliation are investigated as provided in the Personnel Complaints Policy.
- (b) Receiving all complaints in a fair and impartial manner.
- (c) Documenting the complaint and any steps taken to resolve the problem.
- (d) Acknowledging receipt of the complaint, notifying the Chief of Police via the chain of command and explaining to the member how the complaint will be handled.
- (e) Taking appropriate and reasonable steps to mitigate any further violations of this policy.
- (f) Monitoring the work environment to ensure that any member making a complaint is not subjected to further retaliation.
- (g) Periodic follow-up with the complainant to ensure that retaliation is not continuing.
- (h) Not interfering with or denying the right of a member to make any complaint.
- (i) Taking reasonable steps to accommodate requests for assignment or schedule changes made by a member who may be the target of retaliation if it would likely mitigate the potential for further violations of this policy.

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1001.6 COMMAND STAFF RESPONSIBILITIES

The Chief of Police should communicate to all supervisors the prohibition against retaliation.

Command staff shall treat all complaints as serious matters and shall ensure that prompt actions take place, including but not limited to:

- (a) Communicating to all members the prohibition against retaliation.
- (b) The timely review of complaint investigations.
- (c) Remediation of any inappropriate conduct or condition and instituting measures to eliminate or minimize the likelihood of recurrence.
- (d) The timely communication of the outcome to the complainant.

1001.7 WHISTLE-BLOWING

Ohio law protects employees who report violations of a state or federal statute, an ordinance or regulation of the City, or department policy when there is a reasonable belief that the violation is one of the following (ORC § 4113.52):

- (a) A criminal offense that is likely to create an imminent risk of physical harm to persons or a hazard to public health or safety
- (b) A felony
- (c) An improper solicitation for contribution
- (d) Fraud or misuse of public resources (ORC § 124.341)

Members who believe they have been the subject of retaliation for engaging in such protected behaviors should promptly report it to a supervisor. Supervisors should refer the complaint to the Internal Affairs Unit for investigation pursuant to the Personnel Complaints Policy.

1001.8 TRAINING

The policy should be reviewed with each new member.

All members should receive periodic refresher training on the requirements of this policy.

Reporting of Employee Arrest and Convictions

1002.1 PURPOSE AND SCOPE

Convictions of certain offenses may restrict or prohibit an employee's ability to properly perform official duties. Therefore, all employees shall be required to promptly notify the Department of any past and current criminal convictions.

1002.2 DOMESTIC VIOLENCE CONVICTIONS AND RESTRAINING ORDERS

Ohio and federal law prohibit individuals convicted of certain offenses and individuals subject to certain court orders from possessing a firearm. Such convictions and court orders often involve allegations of the use or attempted use of force or threatened use of a weapon on any individual in a domestic relationship (e.g., spouse, cohabitant, parent, child) (18 USC § 922).

All members are responsible for ensuring that they have not been disqualified from possessing a firearm by any such conviction or court order and shall promptly report any such conviction or court order to a supervisor, as provided in this policy.

1002.3 CRIMINAL ARRESTS

Any sworn employee shall promptly notify his/her immediate supervisor in writing if a firearm used by the employee as part of his/her assigned duties has been confiscated as a result of involvement in a crime and/or domestic violence incident (see Domestic Violence Policy Firearms section).

1002.4 CRIMINAL CONVICTIONS

Any person convicted of a felony is prohibited from being a peace officer in the State of Ohio (see generally ORC § 737.052 and ORC § 737.162).

Even when legal restrictions are not imposed by statute or by the courts upon conviction of any criminal offense, criminal conduct by a member of this department may prohibit him/her from carrying out law enforcement duties.

- (a) State law prohibits any person convicted of a felony, a fugitive from justice, an unlawful user or addict of any controlled substance, a person who is mentally ill or illegally in the United States from possessing a firearm.
- (b) If a person is convicted of a crime involving family violence or stalking or is currently subject to a restraining order, injunction or other order for protection against domestic violence, it may be unlawful for the person to carry a concealed weapon.

1002.4.1 COURT ORDERS

All employees shall promptly notify the department if they are part of any court order. Court orders or failure to comply with certain subpoenas or warrants may require suspension of their peace officer certification.

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1002.5 REPORTING PROCEDURE

Any member who is the alleged offender in regard to an arrest or citation associated with any criminal law violation and/or traffic offense related to alcohol, drugs, or vehicular homicide issued by another law enforcement agency, shall notify his/her supervisor as soon as possible regarding the circumstances.

All members and all retired officers with an identification card issued by the Department shall further promptly notify their immediate supervisor (or the Chief of Police in the case of retired officers) in writing if the member or retiree becomes the subject of a domestic violence restraining order or similar court order.

Any member whose criminal conviction unduly restricts or prohibits that member from fully and properly performing his/her duties may be disciplined including, but not limited to, being placed on paid or unpaid administrative leave, reassignment and/or termination.

Any member failing to provide prompt written notice pursuant to this policy shall be subject to discipline.

Drug- and Alcohol-Free Workplace

1003.1 PURPOSE AND SCOPE

The purpose of this policy is to establish clear and uniform guidelines regarding drugs and alcohol in the workplace (41 USC § 8103).

1003.2 POLICY

It is the policy of this department to provide a drug- and alcohol-free workplace for all members.

1003.3 GENERAL GUIDELINES

Alcohol and drug use in the workplace or on department time can endanger the health and safety of department members and the public.

Members who have consumed an amount of an alcoholic beverage or taken any medication, or combination thereof, that would tend to adversely affect their mental or physical abilities shall not report for duty. Affected members shall notify the Shift OIC or appropriate supervisor as soon as the member is aware that the member will not be able to report to work. If the member is unable to make the notification, every effort should be made to have a representative contact the supervisor in a timely manner. If the member is adversely affected while on-duty, the member shall be immediately removed and released from work (see the Work Restrictions section in this policy).

1003.3.1 USE OF MEDICATIONS

Members should not use any medications that will impair their ability to safely and completely perform their duties. Any member who is medically required or has a need to take any such medication shall report that need to the member's immediate supervisor prior to commencing any on-duty status.

1003.3.2 MEDICAL CANNABIS

Possession, use, or being under the influence of medical cannabis on-duty is prohibited and may lead to disciplinary action.

1003.4 MEMBER RESPONSIBILITIES

Members shall report for work in an appropriate mental and physical condition. Members are prohibited from purchasing, manufacturing, distributing, dispensing, possessing, or using controlled substances or alcohol on department premises or on department time (41 USC § 8103). The lawful possession or use of prescribed medications or over-the-counter remedies is excluded from this prohibition.

Members who are authorized to consume alcohol as part of a special assignment shall not do so to the extent of impairing on-duty performance.

Members shall notify a supervisor immediately if they observe behavior or other evidence that they believe demonstrates that a fellow member is impaired due to drug or alcohol use.

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Members are required to notify their immediate supervisors of any criminal drug statute conviction for a violation occurring in the workplace no later than five days after such conviction (41 USC § 8103).

1003.5 EMPLOYEE ASSISTANCE PROGRAM

There may be available a voluntary employee assistance program to assist those who wish to seek help for alcohol and drug problems (41 USC § 8103). Insurance coverage that provides treatment for drug and alcohol abuse also may be available. Employees should contact the Human Resources Office, their insurance providers or the employee assistance program for additional information. It is the responsibility of each employee to seek assistance before alcohol or drug problems lead to performance problems.

1003.6 WORK RESTRICTIONS

If a member informs a supervisor that he/she has consumed any alcohol, drug or medication that could interfere with a safe and efficient job performance, the member may be required to obtain clearance from his/her physician before continuing to work.

If the supervisor reasonably believes, based on objective facts, that a member is impaired by the consumption of alcohol or other drugs, the supervisor shall prevent the member from continuing work and shall ensure that he/she is safely transported away from the Department.

1003.7 SCREENING TESTS

A supervisor may require an employee to submit to a screening test under any of the following circumstances:

- (a) The supervisor reasonably believes, based upon objective facts, that the employee is under the influence of alcohol or drugs that are impairing the employee's ability to perform duties safely and efficiently.
- (b) The employee discharges a firearm in the performance of the employee's duties (excluding training or authorized euthanizing of an animal).
- (c) The employee discharges a firearm issued by the Department while off-duty, resulting in injury, death, or substantial property damage.
- (d) The employee drives a motor vehicle in the performance of the employee's duties and becomes involved in an incident that results in bodily injury, death, or substantial damage to property.

1003.7.1 SUPERVISOR RESPONSIBILITIES

The supervisor shall prepare a written record documenting the specific facts that led to the decision to require the test, and shall inform the employee in writing of the following:

- (a) The test will be given to detect either alcohol or drugs, or both.
- (b) The result of the test is not admissible in any criminal proceeding against the employee.

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- (c) The employee may refuse the test, but refusal may result in dismissal or other disciplinary action.

1003.7.2 DISCIPLINE

An employee may be subject to disciplinary action if the employee:

- (a) Fails or refuses to submit to a screening test.
- (b) After taking a screening test that indicates the presence of a controlled substance, fails to provide proof, within 72 hours after being requested, that the employee took the controlled substance as directed, pursuant to a current and lawful prescription issued in the employee's name.

1003.8 COMPLIANCE WITH THE DRUG-FREE WORKPLACE ACT

No later than 30 days following notice of any drug statute conviction for a violation occurring in the workplace involving a member, the Department will take appropriate disciplinary action, up to and including dismissal, and/or requiring the member to satisfactorily participate in a drug abuse assistance or rehabilitation program (41 USC § 8104).

1003.9 CONFIDENTIALITY

The Department recognizes the confidentiality and privacy due to its members. Disclosure of any information relating to substance abuse treatment, except on a need-to-know basis, shall only be with the express written consent of the member involved or pursuant to lawful process.

The written results of any screening tests and all documents generated by the employee assistance program are considered confidential medical records and shall be maintained in the member's confidential medical file in accordance with the Personnel Records Policy.

Sick Leave

1004.1 PURPOSE AND SCOPE

This policy provides general guidance regarding the use and processing of sick leave. The accrual and terms of use of sick leave for eligible employees are detailed in the City personnel manual or applicable collective bargaining agreement.

This policy is not intended to cover all types of sick or other leaves. For example, employees may be entitled to additional paid or unpaid leave for certain family and medical reasons as provided for in the Family and Medical Leave Act (FMLA) and state law (29 USC § 2601 et seq.; ORC § 124.38 et seq.).

1004.2 POLICY

It is the policy of the Blue Ash Police Department to provide eligible employees with a sick leave benefit.

1004.3 USE OF SICK LEAVE

Sick leave is intended to be used for qualified absences. Sick leave is not considered vacation. Abuse of sick leave may result in discipline, denial of sick leave benefits, or both.

Employees on sick leave shall not engage in other employment or self-employment or participate in any sport, hobby, recreational activity, or other activity that may impede recovery from the injury or illness (see the Outside Employment Policy).

Qualified appointments should be scheduled during a member's non-working hours when it is reasonable to do so.

1004.3.1 NOTIFICATION

All members should notify the Shift OIC or appropriate supervisor as soon as they are aware that they will not be able to report to work and no less than one hour before the start of their scheduled shifts. If, due to an emergency, a member is unable to contact the supervisor, every effort should be made to have a representative for the member contact the supervisor. Notification should be made by speaking directly to the on-duty supervisor or the member's direct supervisor. If the supervisor is not available, the member or representative should leave a phone number for the supervisor to call in order to reach the member.

When the necessity to be absent from work is foreseeable, such as planned medical appointments or treatments, the member shall, whenever possible and practicable, provide the Department with no less than 30 days' notice of the impending absence.

Upon return to work, members are responsible for ensuring their time off was appropriately accounted for, and for completing and submitting the required documentation describing the type of time off used and the specific amount of time taken.

1004.4 SUPERVISOR RESPONSIBILITIES

The responsibilities of supervisors include, but are not limited to:

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- (a) Monitoring and regularly reviewing the attendance of those under their command to ensure that the use of sick leave and absences is consistent with this policy.
- (b) Attempting to determine whether an absence of four or more days may qualify as family medical leave and consulting with legal counsel or the Human Resources Office as appropriate.
- (c) Addressing absences and sick leave use in the member's performance evaluation when excessive or unusual use has:
 - 1. Negatively affected the member's performance or ability to complete assigned duties.
 - 2. Negatively affected department operations.
- (d) When appropriate, counseling members regarding excessive absences and/or inappropriate use of sick leave.
- (e) Referring eligible members to an available employee assistance program when appropriate.

The supervisor who receives a sick call from a member will request the following information to ensure accurate information is relayed to the human resources and finance departments:

- (a) The amount of time off requested and an expected return date.
- (b) Whether the request is related to a prior occurrence of an illness, injury, or injured on duty incident.
- (c) Whether the leave request for the member or someone in the member's family.
- (d) The name of the family member, if applicable.
 - 1. Supervisors should not ask for specifics of the illness or injury, but should obtain a general description.
 - 2. This information will be used to determine eligibility for leave. If the sick time request is for personal care, then this general information is not necessary.
- (e) Whether the request is related to FMLA leave that has been certified through the human resources department.
- (f) Whether the member will be absent from a training, court appearance, special duty, or other assignment that requires additional notification.

The supervisor will document this information on the appropriate form and then send it to the Operations Bureau Commander, the sergeants, the scheduling clerk, and the human resources department by e-mail. The human resources department requires notification to expediate FMLA requires and to follow up with the member.

1004.5 MEMBER RESPONSIBILITIES

In addition to the responsibilities outlined above, members returning from sick leave should complete and sign a leave form, documenting the leave. Any related paperwork such as a physician's note or return to work form should be attached to the leave form. The member should

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place the form in an envelope for privacy and forward it to the department's scheduling officer, who will then forward it to the finance office for processing.

Communicable Diseases

1005.1 PURPOSE AND SCOPE

This policy provides general guidelines to assist in minimizing the risk of department members contracting and/or spreading communicable diseases.

1005.1.1 DEFINITIONS

Definitions related to this policy include:

Communicable disease - A human disease caused by microorganisms that are present in and transmissible through human blood, bodily fluid, tissue, or by breathing or coughing. These diseases commonly include but are not limited to hepatitis B virus (HBV), HIV, and tuberculosis.

Exposure - When an eye, mouth, mucous membrane or non-intact skin comes into contact with blood or other potentially infectious materials, or when these substances are injected or infused under the skin; when an individual is exposed to a person who has a disease that can be passed through the air by talking, sneezing or coughing (i.e., tuberculosis), or the individual is in an area that was occupied by such a person. Exposure only includes those instances that occur due to a member's position at the Blue Ash Police Department. (See the exposure control plan for further details to assist in identifying whether an exposure has occurred).

1005.2 POLICY

The Blue Ash Police Department is committed to providing a safe work environment for its members. Members should be aware that they are ultimately responsible for their own health and safety.

1005.3 EXPOSURE CONTROL OFFICER

The Chief of Police will assign a person as the Exposure Control Officer (ECO). The ECO shall develop an exposure control plan that includes:

- (a) Exposure-prevention and decontamination procedures.
- (b) Procedures for when and how to obtain medical attention in the event of an exposure or suspected exposure.
- (c) The provision that department members will have no-cost access to the appropriate personal protective equipment (PPE) (e.g., gloves, face masks, eye protection, pocket masks) that is appropriate for each member's position and risk of exposure.
- (d) Evaluation of persons in custody for any exposure risk and measures to separate them.
- (e) Compliance with all relevant laws or regulations related to communicable diseases, including:
 - 1. Responding to requests and notifications regarding exposures covered under the Ryan White law (42 USC § 300ff-133; 42 USC § 300ff 136).
 - 2. Employment risk standards (OAC § 4167-3-03 et seq.).

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3. Emergency temporary employment risk standards (OAC § 4167-3-02).
4. Bloodborne pathogen precautions (OAC § 4167-3-05).

The ECO should also act as the liaison with the Ohio Public Employment Risk Reduction Program (PERRP) and may request voluntary compliance inspections. The ECO should periodically review and update the exposure control plan and review implementation of the plan.

1005.4 EXPOSURE PREVENTION AND MITIGATION

1005.4.1 GENERAL PRECAUTIONS

All members are expected to use good judgment and follow training and procedures related to mitigating the risks associated with communicable disease. This includes but is not limited to:

- (a) Stocking disposable gloves, antiseptic hand cleanser, CPR masks or other specialized equipment in the work area of department vehicles, as applicable.
- (b) Wearing department-approved disposable gloves when contact with blood, other potentially infectious materials, mucous membranes and non-intact skin can be reasonably anticipated.
- (c) Washing hands immediately or as soon as feasible after removal of gloves or other PPE.
- (d) Treating all human blood and bodily fluids/tissue as if it is known to be infectious for a communicable disease.
- (e) Using an appropriate barrier device when providing CPR.
- (f) Using a face mask or shield if it is reasonable to anticipate an exposure to an airborne transmissible disease.
- (g) Decontaminating non-disposable equipment (e.g., flashlight, control devices, clothing, portable radio) as soon as possible if the equipment is a potential source of exposure.
 1. Clothing that has been contaminated by blood or other potentially infectious materials shall be removed immediately or as soon as feasible and stored/decontaminated appropriately.
- (h) Handling all sharps and items that cut or puncture (e.g., needles, broken glass, razors, knives) cautiously and using puncture-resistant containers for their storage and/or transportation.
- (i) Avoiding eating, drinking, or smoking, applying cosmetics or lip balm, or handling contact lenses where there is a reasonable likelihood of exposure.
- (j) Disposing of biohazardous waste appropriately or labeling biohazardous material properly when it is stored.

1005.4.2 IMMUNIZATIONS

Members who could be exposed to HBV due to their positions may receive the HBV vaccine and any routine booster at no cost.

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1005.5 POST EXPOSURE

1005.5.1 INITIAL POST-EXPOSURE STEPS

Members who experience an exposure or suspected exposure shall:

- (a) Begin decontamination procedures immediately (e.g., wash hands and any other skin with soap and water, flush mucous membranes with water).
- (b) Obtain medical attention as appropriate.
- (c) Notify a supervisor as soon as practical.

1005.5.2 REPORTING REQUIREMENTS

The supervisor on-duty shall investigate every exposure or suspected exposure that occurs as soon as possible following the incident. The supervisor shall ensure the following information is documented:

- (a) Name of the member exposed
- (b) Date and time of incident
- (c) Location of incident
- (d) The potentially infectious materials involved and the source of exposure (e.g., identification of the person who may have been the source)
- (e) Work being done during exposure
- (f) How the incident occurred or was caused
- (g) PPE in use at the time of the incident
- (h) Actions taken post-event (e.g., cleanup and notifications)

The supervisor shall advise the member that disclosing the identity and/or infectious status of a source to the public or to anyone who is not involved in the follow-up process is prohibited. The supervisor should complete the incident documentation in conjunction with other reporting requirements that may apply (see the Illness and Injury Reporting and the Illness and Injury Prevention policies).

1005.5.3 MEDICAL CONSULTATION, EVALUATION AND TREATMENT

Department members shall have the opportunity to have a confidential medical evaluation immediately after an exposure and follow-up evaluations as necessary.

The ECO should request a written opinion/evaluation from the treating medical professional that contains only the following information:

- (a) Whether the member has been informed of the results of the evaluation.
- (b) Whether the member has been notified of any medical conditions resulting from exposure to blood or other potentially infectious materials which require further evaluation or treatment.

No other information should be requested or accepted by the ECO.

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1005.5.4 COUNSELING

The Department shall provide the member, and his/her family if necessary, the opportunity for counseling and consultation regarding the exposure.

1005.5.5 SOURCE TESTING

Testing a person for communicable diseases when that person was the source of an exposure should be done when it is desired by the exposed member or when it is otherwise appropriate. Source testing is the responsibility of the ECO. If the ECO is unavailable to seek timely testing of the source, it is the responsibility of the exposed member's supervisor to ensure testing is sought.

Source testing may be achieved by:

- (a) Obtaining consent from the individual.
- (b) Submitting a complaint to compel testing under ORC § 3701.247.
- (c) Requesting notification from a medical facility under ORC § 3701.248.

Since there is the potential for overlap between the different manners in which source testing may occur, the ECO is responsible for coordinating the testing to prevent unnecessary or duplicate testing.

The ECO should seek the consent of the individual for testing and consult the City Solicitor to discuss other options when no statute exists for compelling the source of an exposure to undergo testing if he/she refuses.

1005.6 CONFIDENTIALITY OF REPORTS

Medical information shall remain in confidential files and shall not be disclosed to anyone without the member's written consent (except as required by law). Test results from persons who may have been the source of an exposure are to be kept confidential as well.

1005.7 TRAINING

All members shall participate in training regarding communicable diseases commensurate with the requirements of their position. The training:

- (a) Should be provided at the time of initial assignment to tasks where an occupational exposure may take place and at least annually after the initial training.
- (b) Should be provided whenever the member is assigned new tasks or procedures affecting his/her potential exposure to communicable disease.
- (c) Should provide guidance on what constitutes an exposure, what steps can be taken to avoid an exposure and what steps should be taken if a suspected exposure occurs.

Smoking and Tobacco Use

1006.1 PURPOSE AND SCOPE

This policy establishes limitations on smoking and the use of tobacco products by members and others while on-duty or while in Blue Ash Police Department facilities or vehicles.

For the purposes of this policy, smoking and tobacco use includes, but is not limited to, any tobacco product, such as cigarettes, cigars, pipe tobacco, snuff, tobacco pouches and chewing tobacco, as well as any device intended to simulate smoking, such as an electronic cigarette or personal vaporizer.

1006.2 POLICY

The Blue Ash Police Department recognizes that tobacco use is a health risk and can be offensive to others.

Smoking and tobacco use also presents an unprofessional image for the Department and its members. Therefore smoking and tobacco use is restricted by members and visitors in all department facilities, buildings and vehicles, and as is further outlined in this policy (ORC § 3794.02).

1006.3 SMOKING AND TOBACCO USE

Smoking and tobacco use by members is prohibited anytime members are in public view representing the Blue Ash Police Department.

It shall be the responsibility of each member to ensure that no person under his/her supervision smokes inside City facilities and vehicles.

1006.4 ADDITIONAL PROHIBITIONS

Members shall not be allowed to smoke in areas of ingress or egress to any department facility (ORC § 3794.02).

1006.4.1 NOTICE

The Chief of Police or the authorized designee shall ensure that proper signage is in place to provide notice of restricted tobacco use areas (ORC § 3794.06).

Personnel Complaints

1007.1 PURPOSE AND SCOPE

This policy provides guidelines for the reporting, investigation and disposition of complaints regarding the conduct of members of the Blue Ash Police Department. This policy shall not apply to any questioning, counseling, instruction, informal verbal admonishment or other routine or unplanned contact of a member in the normal course of duty, by a supervisor or any other member, nor shall this policy apply to a criminal investigation.

1007.2 POLICY

The Blue Ash Police Department takes seriously all complaints regarding the service provided by the Department and the conduct of its members.

The Department will accept and address all complaints of misconduct in accordance with this policy and applicable federal, state and local law, municipal and county rules and the requirements of any collective bargaining agreements.

It is also the policy of this department to ensure that the community can report misconduct without concern for reprisal or retaliation.

1007.3 PERSONNEL COMPLAINTS

Personnel complaints include any allegation of misconduct or improper job performance that, if true, would constitute a violation of department policy or of federal, state or local law, policy or rule. Personnel complaints may be generated internally or by the public.

Inquiries about conduct or performance that, if true, would not violate department policy or federal, state or local law, policy or rule may be handled informally by a supervisor and shall not be considered a personnel complaint. Such inquiries generally include clarification regarding policy, procedures or the response to specific incidents by the Department.

1007.3.1 COMPLAINT CLASSIFICATIONS

Personnel complaints shall be classified in one of the following categories:

Informal - A matter in which the Bureau Commander is satisfied that appropriate action has been taken by a supervisor of rank greater than the accused member.

Formal - A matter in which a supervisor determines that further action is warranted. Such complaints may be investigated by a supervisor of rank greater than the accused member or referred to the Internal Affairs Unit, depending on the seriousness and complexity of the investigation.

Incomplete - A matter in which the complaining party either refuses to cooperate or becomes unavailable after diligent follow-up investigation. At the discretion of the assigned supervisor or the Internal Affairs Unit, such matters may be further investigated depending on the seriousness of the complaint and the availability of sufficient information.

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1007.3.2 SOURCES OF COMPLAINTS

The following applies to the source of complaints:

- (a) Individuals from the public may make complaints in any form, including in writing, by email, in person or by telephone.
- (b) Any department member becoming aware of alleged misconduct shall immediately notify a supervisor.
- (c) Supervisors shall initiate a complaint based upon observed misconduct or receipt from any source alleging misconduct that, if true, could result in disciplinary action.
- (d) Anonymous and third-party complaints should be accepted and investigated to the extent that sufficient information is provided.
- (e) Tort claims and lawsuits may generate a personnel complaint.

1007.4 ACCEPTANCE OF COMPLAINTS

1007.4.1 ACCEPTANCE

All complaints will be courteously accepted by any department member and promptly given to the appropriate supervisor. Although written complaints are preferred, a complaint may also be filed orally, either in person or by telephone. Such complaints will be directed to a supervisor. If a supervisor is not immediately available to take an oral complaint, the receiving member shall obtain contact information sufficient for the supervisor to contact the complainant. The supervisor, upon contact with the complainant, shall complete and submit a complaint form as appropriate.

Although not required, complainants should be encouraged to file complaints in person so that proper identification, signatures, photographs or physical evidence may be obtained as necessary.

1007.5 DOCUMENTATION

Supervisors shall ensure that all formal complaints are documented on a complaint form. The supervisor shall ensure that the nature of the complaint is defined as clearly as possible.

All complaints and inquiries should also be documented in a log that records and tracks complaints. The log shall include the nature of the complaint and the actions taken to address the complaint. On an annual basis, the Department should audit the log and send an audit report to the Chief of Police or the authorized designee.

1007.6 ADMINISTRATIVE INVESTIGATIONS

Allegations of misconduct will be administratively investigated as follows.

1007.6.1 SUPERVISOR RESPONSIBILITIES

In general, the primary responsibility for the investigation of a personnel complaint shall rest with the member's immediate supervisor, unless the supervisor is the complainant, or the supervisor is the ultimate decision-maker regarding disciplinary action or has any personal involvement regarding the alleged misconduct. The Chief of Police or the authorized designee may direct that another supervisor investigate any complaint.

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A supervisor who becomes aware of alleged misconduct shall take reasonable steps to prevent aggravation of the situation.

The responsibilities of supervisors include but are not limited to:

- (a) Ensuring that upon receiving or initiating any formal complaint, a complaint form is completed.
 - 1. The original complaint form will be directed to the Shift OIC of the accused member, via the chain of command, who will take appropriate action and/or determine who will have responsibility for the investigation.
 - 2. In circumstances where the integrity of the investigation could be jeopardized by reducing the complaint to writing or where the confidentiality of a complainant is at issue, a supervisor shall orally report the matter to the member's Bureau Commander or the Chief of Police, who will initiate appropriate action.
- (b) Responding to all complaints in a courteous and professional manner.
- (c) Resolving those personnel complaints that can be resolved immediately.
 - 1. Follow-up contact with the complainant should be made within 24 hours of the Department receiving the complaint.
 - 2. If the matter is resolved and no further action is required, the supervisor will note the resolution on a complaint form and forward the form to the Shift OIC.
- (d) Ensuring that upon receipt of a complaint involving allegations of a potentially serious nature, the Shift OIC and Chief of Police are notified via the chain of command as soon as practicable.
- (e) Promptly contacting the Human Resources Office and the Shift OIC for direction regarding their roles in addressing a complaint that relates to sexual, racial, ethnic or other forms of prohibited harassment or discrimination.
- (f) Forwarding unresolved personnel complaints to the Shift OIC, who will determine whether to contact the complainant or assign the complaint for investigation.
- (g) Informing the complainant of the investigator's name and the complaint number within three days after assignment.
- (h) Investigating a complaint as follows:
 - 1. Making reasonable efforts to obtain names, addresses and telephone numbers of witnesses.
 - 2. When appropriate, ensuring immediate medical attention is provided and photographs of alleged injuries and accessible uninjured areas are taken.
- (i) Ensuring that the procedural rights of the accused member are followed.
- (j) Ensuring interviews of the complainant are generally conducted during reasonable hours.

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1007.6.2 ADMINISTRATIVE INVESTIGATION PROCEDURES

Whether conducted by a supervisor or a member of the Internal Affairs Unit, the following applies to employees:

- (a) Interviews of an accused employee shall be conducted during reasonable hours and preferably when the employee is on-duty. If the employee is off-duty, he/she shall be compensated.
- (b) Unless waived by the employee, interviews of an accused employee shall be at the Blue Ash Police Department or other reasonable and appropriate place.
- (c) No more than two interviewers should ask questions of an accused employee.
- (d) Prior to any interview, an employee should be informed of the nature of the investigation.
- (e) All interviews should be for a reasonable period and the employee's personal needs should be accommodated.
- (f) No employee should be subjected to offensive or threatening language, nor shall any promises, rewards or other inducements be used to obtain answers.
- (g) Any employee refusing to answer questions directly related to the investigation may be ordered to answer questions administratively and may be subject to discipline for failing to do so.
 - 1. An employee should be given an order to answer questions in an administrative investigation that might incriminate the employee in a criminal matter only after the employee has been given a *Garrity* advisement. Administrative investigators should consider the impact that compelling a statement from the employee may have on any related criminal investigation and should take reasonable steps to avoid creating any foreseeable conflicts between the two related investigations. This may include conferring with the person in charge of the criminal investigation (e.g., discussion of processes, timing, implications).
 - 2. No information or evidence administratively coerced from an employee may be provided to anyone involved in conducting the criminal investigation or to any prosecutor.
- (h) The interviewer should record all interviews of employees and witnesses. The employee may also record the interview. If the employee has been previously interviewed, a copy of that recorded interview shall be provided to the employee prior to any subsequent interview.
- (i) All employees subjected to interviews that could result in discipline have the right to have an uninvolved representative present during the interview. However, in order to maintain the integrity of each individual's statement, involved employees shall not consult or meet with a representative or attorney collectively or in groups prior to being interviewed.
- (j) All employees shall provide complete and truthful responses to questions posed during interviews.

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- (k) No employee may be compelled to submit to a polygraph examination, nor shall any refusal to submit to such examination be mentioned in any investigation.

1007.6.3 ADMINISTRATIVE INVESTIGATION FORMAT

Formal investigations of personnel complaints shall be thorough, complete and essentially follow this format:

Introduction - Include the identity of the members, the identity of the assigned investigators, the initial date and source of the complaint.

Synopsis - Provide a brief summary of the facts giving rise to the investigation.

Summary - List the allegations separately, including applicable policy sections, with a brief summary of the evidence relevant to each allegation. A separate recommended finding should be provided for each allegation.

Evidence - Each allegation should be set forth with the details of the evidence applicable to each allegation provided, including comprehensive summaries of member and witness statements. Other evidence related to each allegation should also be detailed in this section.

Conclusion - A recommendation regarding further action or disposition should be provided.

Exhibits - A separate list of exhibits (e.g., recordings, photos, documents) should be attached to the report.

1007.6.4 DISPOSITIONS

Each personnel complaint shall be classified with one of the following dispositions:

Unfounded - When the investigation discloses that the alleged acts did not occur or did not involve department members. Complaints that are determined to be frivolous will fall within the classification of unfounded.

Exonerated - When the investigation discloses that the alleged act occurred but that the act was justified, lawful and/or proper.

Not sustained - When the investigation discloses that there is insufficient evidence to sustain the complaint or fully exonerate the member.

Sustained - When the investigation discloses sufficient evidence to establish that the act occurred and that it constituted misconduct.

If an investigation discloses misconduct or improper job performance that was not alleged in the original complaint, the investigator shall take appropriate action with regard to any additional allegations.

1007.6.5 COMPLETION OF INVESTIGATIONS

Every investigator or supervisor assigned to investigate a personnel complaint or other alleged misconduct shall proceed with due diligence in an effort to complete the investigation within one year from the date of discovery by an individual authorized to initiate an investigation.

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1007.6.6 NOTICE TO COMPLAINANT OF INVESTIGATION STATUS

The member conducting the investigation should provide the complainant with periodic updates on the status of the investigation, as appropriate.

1007.7 ADMINISTRATIVE SEARCHES

Assigned lockers, storage spaces and other areas, including desks, offices and vehicles, may be searched as part of an administrative investigation upon a reasonable suspicion of misconduct.

Such areas may also be searched any time by a supervisor for non-investigative purposes, such as obtaining a needed report, radio or other document or equipment.

1007.8 ADMINISTRATIVE LEAVE

When a complaint of misconduct is of a serious nature, or when circumstances indicate that allowing the accused to continue to work would adversely affect the mission of the Department, the Chief of Police or the authorized designee may temporarily assign an accused employee to administrative leave. Any employee placed on administrative leave:

- (a) May be required to relinquish any department badge, identification, assigned weapons and any other department equipment.
- (b) Shall be required to continue to comply with all policies and lawful orders of a supervisor.
- (c) May be temporarily reassigned to a different shift, generally a normal business-hours shift, during the investigation. The employee may be required to remain available for contact at all times during such shift, and will report as ordered.

1007.9 CRIMINAL INVESTIGATION

Where a member is accused of potential criminal conduct, a separate supervisor or investigator shall be assigned to investigate the criminal allegations apart from any administrative investigation. Any separate administrative investigation may parallel a criminal investigation.

The Chief of Police shall be notified as soon as practicable when a member is accused of criminal conduct. The Chief of Police may request a criminal investigation by an outside law enforcement agency.

A member accused of criminal conduct shall be provided with all rights afforded to a civilian. The member should not be administratively ordered to provide any information in the criminal investigation.

The Blue Ash Police Department may release information concerning the arrest or detention of any member, including an officer, that has not led to a conviction. No disciplinary action should be taken until an independent administrative investigation is conducted.

1007.10 POST-ADMINISTRATIVE INVESTIGATION PROCEDURES

Upon completion of a formal investigation, an investigation report should be forwarded to the Chief of Police through the chain of command. Each level of command should review and include their

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comments in writing before forwarding the report. The Chief of Police may accept or modify any classification or recommendation for disciplinary action.

1007.10.1 BUREAU COMMANDER RESPONSIBILITIES

Upon receipt of any completed personnel investigation, the Bureau Commander of the involved member shall review the entire investigative file, the member's personnel file and any other relevant materials.

The Bureau Commander may make recommendations regarding the disposition of any allegations and the amount of discipline, if any, to be imposed.

Prior to forwarding recommendations to the Chief of Police, the Bureau Commander may return the entire investigation to the assigned investigator or supervisor for further investigation or action.

When forwarding any written recommendation to the Chief of Police, the Bureau Commander shall include all relevant materials supporting the recommendation. Actual copies of a member's existing personnel file need not be provided and may be incorporated by reference.

1007.10.2 CHIEF OF POLICE RESPONSIBILITIES

Upon receipt of any written recommendation for disciplinary action, the Chief of Police shall review the recommendation and all accompanying materials. The Chief of Police may modify any recommendation and/or may return the file to the Bureau Commander for further investigation or action.

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1007.10.3 NOTICE OF FINAL DISPOSITION TO THE COMPLAINANT

The Chief of Police or the authorized designee should ensure that the complainant is notified of the disposition (i.e., sustained, not sustained, exonerated, unfounded) of the complaint.

1007.11 RESIGNATIONS/RETIREMENTS PRIOR TO DISCIPLINE

In the event that a member tenders a written resignation or notice of retirement prior to the imposition of discipline, it shall be noted in the file. The tender of a resignation or retirement by itself shall not serve as grounds for the termination of any pending investigation or discipline.

1007.12 STATE REPORTING REQUIREMENT FOR SUSPENSIONS

The Chief of Police or the authorized designee shall notify the Director of Public Safety in writing of an officer's suspension and the cause of the suspension (ORC § 737.12).

Seat Belts

1008.1 PURPOSE AND SCOPE

This policy establishes guidelines for the use of seat belts and child restraints. This policy will apply to all members operating or riding in Department vehicles.

1008.1.1 DEFINITIONS

Definitions related to this policy include:

Child Restraint System - An infant or child passenger restraint system that meets federal Motor Vehicle Safety Standards (FMVSS) and Regulations set forth in 49 CFR 571.213.

1008.2 WEARING OF SAFETY RESTRAINTS

All members shall wear properly adjusted safety restraints when operating or riding in a seat equipped with restraints, in any vehicle owned, leased or rented by this department while on- or off-duty or in any privately owned vehicle while on-duty. The member driving such a vehicle shall ensure that all other occupants, including those who are not members of the Department, are properly restrained (ORC § 4513.263).

Exceptions to the requirement to wear safety restraints may be made only in exceptional situations where, due to unusual circumstances, wearing a seat belt would endanger the department member or the public. Members must be prepared to justify any deviation from this requirement.

1008.2.1 SEAT BELT EXTENDERS

The use of seat belt extenders in Blue Ash Police Department motor vehicles is prohibited.

1008.3 TRANSPORTING SUSPECTS, PRISONERS OR ARRESTEES

Suspects, prisoners and arrestees should be in a seated position and secured in the rear seat of any department vehicle with a prisoner restraint system or, when a prisoner restraint system is not available, by seat belts provided by the vehicle manufacturer. The prisoner restraint system is not intended to be a substitute for handcuffs or other appendage restraints.

Prisoners in leg restraints shall be transported in accordance with the Handcuffing and Restraints Policy.

1008.4 INOPERABLE SEAT BELTS

Department vehicles shall not be operated when the seat belt in the driver's position is inoperable. Persons shall not be transported in a seat in which the seat belt is inoperable.

Department vehicle seat belts shall not be modified, removed, deactivated or altered in any way, except by the vehicle maintenance and repair staff, who shall do so only with the express authorization of the Chief of Police.

Members who discover an inoperable restraint system shall report the defect to the appropriate supervisor. Prompt action will be taken to replace or repair the system.

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1008.5 VEHICLES MANUFACTURED WITHOUT SEAT BELTS

Vehicles manufactured and certified for use without seat belts or other restraint systems are subject to the manufacturer's operating requirements for safe use.

1008.6 POLICY

It is the policy of the Blue Ash Police Department that members use safety and child restraint systems to reduce the possibility of death or injury in a motor vehicle collision.

1008.7 TRANSPORTING CHILDREN

A child restraint system should be used for all children of an age, height or weight for which such restraints are required by law (ORC § 4511.81).

Rear seat passengers in a cage-equipped vehicle may have reduced clearance, which requires careful seating and positioning of seat belts. Due to this reduced clearance, and if permitted by law, children and any child restraint system may be secured in the front seat of such vehicles provided this positioning meets federal safety standards and the vehicle and child restraint system manufacturer's design and use recommendations. In the event that a child is transported in the front seat of a vehicle, the seat should be pushed back as far as possible and the passenger-side airbag should be deactivated. If this is not possible, members should arrange alternate transportation when feasible.

Body Armor

1009.1 PURPOSE AND SCOPE

The purpose of this policy is to provide law enforcement officers with guidelines for the proper use of body armor.

1009.2 POLICY

It is the policy of the Blue Ash Police Department to maximize officer safety through the use of body armor in combination with prescribed safety procedures. While body armor provides a significant level of protection, it is not a substitute for the observance of officer safety procedures.

1009.3 ISSUANCE OF BODY ARMOR

The Administration supervisor shall ensure that body armor is issued to all officers when the officer begins service at the Blue Ash Police Department and that, when issued, the body armor meets or exceeds the standards of the National Institute of Justice.

The Administration supervisor shall establish a body armor replacement schedule and ensure that replacement body armor is issued pursuant to the schedule or whenever the body armor becomes worn or damaged to the point that its effectiveness or functionality has been compromised.

1009.3.1 USE OF SOFT BODY ARMOR

Generally, the use of body armor is required, subject to the following:

- (a) Officers shall only wear agency-approved body armor.
- (b) Officers shall wear body armor anytime they are in a situation where they could reasonably be expected to take enforcement action.
- (c) Body armor shall be worn when an officer is working in uniform or taking part in Department range training.
- (d) An officer may be excused from wearing body armor when he/she is involved in undercover or plainclothes work that his/her supervisor determines could be compromised by wearing body armor, or when a supervisor determines that other circumstances make it inappropriate to mandate wearing body armor.

1009.3.2 INSPECTIONS OF BODY ARMOR

Members should ensure that their body armor is worn and maintained in accordance with this policy through routine observation and inspections. Any deficiencies in fit or signs of damage, abuse and wear should be reported to their supervisor.

1009.3.3 CARE AND MAINTENANCE OF SOFT BODY ARMOR

Soft body armor should never be stored for any period of time in an area where environmental conditions (e.g., temperature, light, humidity) are not reasonably controlled (e.g., normal ambient room temperature/humidity conditions), such as in automobiles or automobile trunks.

Soft body armor should be cared for and cleaned pursuant to the manufacturer's care instructions provided with the soft body armor. The instructions can be found on labels located on the external

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surface of each ballistic panel. The carrier should also have a label that contains care instructions. Failure to follow these instructions may damage the ballistic performance capabilities of the armor. If care instructions for the soft body armor cannot be located, contact the manufacturer to request care instructions.

Soft body armor should not be exposed to any cleaning agents or methods not specifically recommended by the manufacturer, as noted on the armor panel label.

Soft body armor should be replaced in accordance with the manufacturer's recommended replacement schedule.

Commendations and Awards

1010.1 PURPOSE AND SCOPE

Special recognition may be in order whenever an employee performs his/her duties in an exemplary manner. Citizens may at times perform a meritorious act that deserves recognition. This procedure provides general guidelines for commending exceptional employee performance or meritorious acts by citizens.

1010.2 WHO MAY MAKE COMMENDATIONS

A written commendation may be made by a supervisor regarding any other employee of the Department, provided the reporting person is superior in rank or is the person in charge of the individual being commended. Additionally, investigating officers may commend uniformed officers for exceptional assistance in investigative functions, with approval from the investigator's supervisor. Any employee may recommend a commendation to the supervisor of the employee subject to commendation.

A written commendation may also be made by a member of the public regarding any Department employee.

Written recommendations for a citizen's meritorious acts may be made by any member of this department or any member of the public.

1010.3 MERITORIOUS OR COMMENDABLE ACTIONS

1010.3.1 MERITORIOUS OR COMMENDABLE ACTS BY EMPLOYEES

A meritorious or commendable act by an employee of this department may include, but is not limited to, the following:

- (a) Superior handling of a difficult situation.
- (b) Conspicuous bravery or outstanding performance.
- (c) Any action or performance that is above and beyond the typical duties of an employee.

1010.3.2 COMMENDATION INCIDENT REPORT

The Commendation Incident Report shall be used to document the commendation of the employee and shall contain the following:

- (a) Employee name, bureau and assignment at the date and time of the commendation.
- (b) A brief account of the commendable action with report numbers, as appropriate.
- (c) Signature of the commending supervisor.

Completed reports should be forwarded to the appropriate Bureau Commander for review. The Bureau Commander shall sign and forward the report to the Chief of Police for review.

The Chief of Police will return the commendation to the employee. The report will then be returned to the administrative secretary for entry into the employee's personnel file.

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1010.3.3 MERITORIOUS ACTS BY CITIZENS DOCUMENTATION

Meritorious acts performed by citizens and documented by members of this department should be documented on a Commendation Incident Report under the same process for employees, with areas for inapplicable information left blank. Adequate information to identify the persons performing the meritorious act should be included on the form.

Any documentation in any form from the public identifying meritorious conduct of a citizen should be accepted by any employee and forwarded to the receiving employee's Bureau Commander. Attempts to obtain detailed information regarding the matter and the person performing the meritorious act and the person submitting the document should be attempted by the employee and additional details documented as appropriate.

1010.4 AWARDS

Awards may be bestowed upon employees and members of the public. These awards include:

- Medal of Valor
- Police Combat Medal
- Meritorious Police Service Commendation for Courage
- Meritorious Police Service Commendation for Integrity
- Meritorious Police Service Commendation for Compassion
- Meritorious Police Service Commendation for Excellent Police Duty
- Meritorious Police Service Commendation for Community Service
- Field Training Officer
- Physical Fitness Award

Criteria for each award, the selection, presentation and display of any award is detailed in the awards procedure guide.

[See attachment: Awards Procedure Guide.pdf](#)

Fitness for Duty

1011.1 PURPOSE AND SCOPE

All officers are required to be free from any physical, emotional or mental condition that might adversely affect the exercise of peace officer duties. The purpose of this policy is to ensure that all officers of this department remain fit for duty and able to perform their job functions.

1011.2 EMPLOYEE RESPONSIBILITIES

- (a) It shall be the responsibility of each member of this department to maintain good physical condition sufficient to safely and properly perform essential duties of the position.
- (b) Each member of this department shall perform his/her respective duties without physical, emotional and/or mental constraints.
- (c) During working hours, all employees are required to be alert, attentive and capable of performing assigned responsibilities.
- (d) Any employee who feels unable to perform his/her duties shall promptly notify a supervisor. In the event that an employee believes that another employee is unable to perform his/her duties, such observations and/or belief shall be promptly reported to a supervisor.

1011.3 SUPERVISOR RESPONSIBILITIES

- (a) A supervisor observing an employee, or receiving a report of an employee, who is perceived to be unable to safely perform his/her duties due to a physical, medical or mental condition shall take prompt and appropriate action in an effort to resolve the situation.
- (b) Whenever feasible, the supervisor should attempt to ascertain the reason or source of the problem and in all cases a preliminary evaluation should be made to determine the level of inability of the employee to perform his/her duties.
- (c) In the event the employee appears to be in need of immediate medical or psychiatric treatment, all reasonable efforts should be made to provide such care.
- (d) In conjunction with the Shift OIC or the employee's Bureau Commander, a determination should be made whether the employee should be temporarily relieved from his/her duties.
- (e) The Chief of Police shall be promptly notified in the event that any employee is relieved from duty.

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1011.4 NON-WORK RELATED CONDITIONS

Any employee suffering from a non-work related condition that warrants a temporary relief from duty may be required to use sick leave or other paid time off in order to obtain medical treatment or other reasonable rest period.

1011.5 WORK-RELATED CONDITIONS

Any employee suffering from a work-related condition that warrants a temporary relief from duty shall be required to comply with personnel rules and guidelines for processing such claims.

Upon the recommendation of the Shift OIC or unit supervisor and concurrence of a Bureau Commander, any employee whose actions or use of force in an official capacity result in death or serious injury to another may be temporarily removed from regularly assigned duties and/or placed on paid administrative leave for the well-being of the employee and until such time as the following may be completed:

- (a) A preliminary determination that the employee's conduct appears to be in compliance with policy and law.
- (b) If appropriate, the employee has had the opportunity to receive necessary counseling and/or psychological clearance to return to full duty.

1011.6 PHYSICAL AND PSYCHOLOGICAL EXAMINATIONS

- (a) Whenever circumstances reasonably indicate that an employee is unfit for duty, the Chief of Police may serve that employee with a written order to undergo a physical and/or psychological examination in cooperation with the Human Resources Office to determine the level of the employee's fitness for duty. The order shall indicate the date, time and place for the examination.
- (b) The examining physician or therapist will provide the Department with a report indicating that the employee is either fit for duty or, if not, list any functional limitations that limit the employee's ability to perform job duties. If the employee places his/her condition at issue in any subsequent or related administrative action or grievance, the examining physician or therapist may be required to disclose any and all information that is relevant to such proceeding.
- (c) To facilitate the examination of any employee, the Department will provide all appropriate documents and available information to assist in the examination, evaluation and/or treatment.
- (d) All reports and examinations or evaluations submitted by the treating physician or therapist shall be part of the employee's private medical file.
- (e) Any employee ordered to receive a fitness for duty examination shall comply with the terms of the order and cooperate fully with the examining physician or therapist regarding any clinical interview, tests administered or other procedures as directed. Any failure to comply with such an order and any failure to cooperate with the

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examining physician or therapist may be deemed insubordination and may subject the employee to discipline up to and including termination.

- (f) Once an employee has been deemed fit for duty by the examining physician or therapist, the employee will be notified to resume his/her duties.
- (g) If an employee is deemed unfit for duty by the Department, the employee may submit a report from his/her personal physician, psychiatrist, psychologist or other health care provider that will be taken into consideration.

1011.7 LIMITATION ON HOURS WORKED

Absent exigent circumstances, members should not work more than:

- 17 hours in one day (24-hour period)

Except in very limited circumstances members should have a minimum of 7 hours off between shifts. Supervisors should give consideration to reasonable rest periods and are authorized to deny overtime or relieve to off-duty status any member who has exceeded the above guideline.

Limitations on the number of hours worked apply to shift changes, shift trades, rotation, holdover, training, special events, extra-duty details, court, general overtime and any other work assignments.

Meal Periods and Breaks

1012.1 PURPOSE AND SCOPE

This policy regarding meals and breaks, insofar as reasonably possible, shall conform to the policy governing all City employees.

1012.1.1 MEAL PERIODS

Sworn employees and dispatchers shall remain on-duty subject to call during meal breaks. All other employees are not on-call during meal breaks unless directed otherwise by a supervisor.

Uniformed officers shall request clearance from Dispatch prior to taking a meal period. Beat officers shall take their breaks within the City limits unless on assignment outside of the City or approved by the supervisor.

The time spent for the meal period shall not exceed the authorized time allowed.

1012.1.2 15-MINUTE BREAKS

Each employee is entitled to a 15-minute break, near the midpoint, for each four-hour work period. Only one 15-minute break shall be taken during each four hours of duty. No breaks shall be taken during the first or last hour of an employee's shift unless approved by a supervisor.

Employees normally assigned to the police facility shall remain in the police facility for their breaks. This does not prohibit them from taking a break if they are outside the facility on official business.

Beat officers on their breaks are subject to call and shall monitor their radios.

Lactation Breaks

1013.1 PURPOSE AND SCOPE

The purpose of this policy is to provide reasonable accommodations to members desiring to express breast milk for the member's infant child.

1013.2 POLICY

It is the policy of this department to provide, in compliance with the Fair Labor Standards Act (FLSA), reasonable break time and appropriate facilities to accommodate any member desiring to express breast milk for her nursing child for up to one year after the child's birth (29 USC § 207).

1013.3 LACTATION BREAK TIME

A rest period should be permitted each time the member has the need to express breast milk (29 USC § 207). In general, lactation breaks that cumulatively total 30 minutes or less during any four-hour work period or major portion of a four-hour work period are per se reasonable. However, individual circumstances may require more or less time.

Lactation breaks, if feasible, should be taken at the same time as the member's regularly scheduled rest or meal periods. While a reasonable effort will be made to provide additional time beyond authorized breaks, any such time exceeding regularly scheduled break time will be unpaid.

Members desiring to take a lactation break shall notify the dispatcher or a supervisor prior to taking such a break. Such breaks may be reasonably delayed if they would seriously disrupt department operations.

Once a lactation break has been approved, the break should not be interrupted except for emergency or exigent circumstances.

1013.4 PRIVATE LOCATION

The Department will make reasonable efforts to accommodate members with the use of an appropriate room or other location to express milk in private. Such room or place should be in close proximity to the member's work area and shall be other than a bathroom or toilet stall. The location must be shielded from view and free from intrusion from co-workers and the public (29 USC § 207).

Members occupying such private areas shall either secure the door or otherwise make it clear to others that the area is occupied with a need for privacy. All other members should avoid interrupting a member during an authorized break, except to announce an emergency or other urgent circumstance.

Authorized lactation breaks for members assigned to the field may be taken at the nearest appropriate private area.

1013.5 STORAGE OF EXPRESSED MILK

Any member storing expressed milk in any authorized refrigerated area within the Department shall clearly label it as such and shall remove it when the member's shift ends.

Payroll Record Procedures

1014.1 PURPOSE AND SCOPE

Time sheets should be kept current and submitted on a biweekly basis for the payment of wages.

1014.1.1 RESPONSIBILITY FOR COMPLETION OF PAYROLL RECORDS

Employees are responsible for the accurate and timely submission of payroll records for the payment of wages.

1014.1.2 TIME REQUIREMENTS

All employees are paid on a biweekly basis usually on Friday with certain exceptions, such as holidays. Payroll records shall be completed no later than the end of the members last shift before the end of the pay period, unless specified otherwise.

Overtime Compensation Requests

1015.1 PURPOSE AND SCOPE

It is the policy of the Department to compensate nonexempt employees who work overtime either by payment of wages as agreed and in effect through the collective bargaining agreement or ordinance, or by the allowance of accrual of compensatory time off. In order to qualify for either, the employee must submit the overtime on their timesheet.

1015.1.1 DEPARTMENT POLICY

Because of the nature of law enforcement work, and the specific needs of the Department, a degree of flexibility concerning overtime policies must be maintained.

Nonexempt employees are not authorized to volunteer work time to the Department. All requests to work overtime shall be approved in advance by a supervisor. If circumstances do not permit prior approval, approval shall be sought as soon as practicable during the overtime shift and in no case later than the end of shift in which the overtime is worked.

The individual employee may request compensatory time in lieu of receiving overtime payment. The employee may not exceed the number of hours identified in the city policy or collective bargaining agreement.

1015.2 REQUEST FOR OVERTIME COMPENSATION

Employees shall submit all overtime compensation requests on their timesheet as soon as practicable. Failure to submit a request for overtime compensation in a timely manner may result in discipline.

1015.3 ACCOUNTING FOR OVERTIME WORKED

Employees are to record the actual time worked in an overtime status. In some cases, the collective bargaining agreement provides that a minimum number of hours will be paid, (e.g., three hours for court, four hours for off-day court).

1015.3.1 ACCOUNTING FOR PORTIONS OF AN HOUR

When accounting for less than a full hour, time worked shall be rounded up to the nearest quarter of an hour as indicated by the following chart:

<u>TIME WORKED</u>	<u>INDICATE ON CARD</u>
Up to 15 minutes	.25 hour
16 to 30 minutes	.50 hour
31 to 45 minutes	.75 hour
46 to 60 minutes	1.0 hour

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1015.3.2 VARIATION IN TIME REPORTED

Where two or more employees are assigned to the same activity, case or court trial, and the amount of time for which payment is requested varies between the two, the Shift OIC or other approving supervisor may require each employee to include the reason for the variation.

Outside Employment

1016.1 PURPOSE AND SCOPE

To avoid actual or perceived conflicts of interest for Department employees engaging in outside employment, all employees shall initially obtain written approval from the Chief of Police prior to engaging in any outside employment. Approval of outside employment shall be at the discretion of the Chief of Police in accordance with the provisions of this policy.

1016.1.1 DEFINITIONS

Definitions related to this policy include:

Outside Employment - The employment of any member of this department who receives wages, compensation or other consideration of value from another employer, organization or individual not affiliated directly with this department for services, products or benefits rendered. For purposes of this section, the definition of outside employment includes those employees who are self-employed and not affiliated directly with this department for services, products or benefits rendered.

Extra-Duty Employment - Any employment that is conditioned on the actual or potential use of law enforcement powers by the police officer employee.

Blanket Permit Details - Open extra-duty details that have been approved as a blanket permit detail. Officers with approved off-duty work requests specifying blanket permit details do not have to submit a separate off-duty work request for each blanket permit detail.

Regular Off-Duty Employment - Any employment that will not require the use or potential use of law enforcement powers by the off-duty employee.

1016.2 OBTAINING APPROVAL

No member of this department may engage in any outside employment without first obtaining prior written approval of the Chief of Police. Failure to obtain prior written approval for outside employment or engaging in outside employment prohibited by this policy is grounds for disciplinary action. A separate Off-Duty/Outside Employment Request form must be submitted for each employer and each self-employed position.

Officers who have not completed their field training phase of their employment shall not be eligible to engage in any off-duty employment.

To obtain approval for outside employment, the employee must complete an application that shall be submitted to the employee's Bureau Commander. The application will then be forwarded through the appropriate chain of command to the Chief of Police for consideration.

If approved, the employee will be provided with a copy of the approved permit. Unless otherwise indicated in writing on the approved permit, a permit will be valid through the end of the calendar year in which it is approved. Any employee seeking to continue outside employment shall submit a new application in a timely manner.

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Any employee seeking approval of outside employment whose request has been denied shall be provided with a written reason for the denial of the application at the time of the denial and within 30 days of the application.

1016.2.1 APPEAL OF DENIAL OF OUTSIDE EMPLOYMENT

If an employee's application is denied or rescinded by the Department, the employee may file a written notice of appeal to the Chief of Police within 10 days of the date of denial.

1016.2.2 REVOCATION/SUSPENSION OF OUTSIDE EMPLOYMENT PERMITS

Any outside employment permit may be revoked or suspended after the employee has received written notification of the reasons for revocation or suspension. Additionally, revocation or suspension will only be implemented after the employee has exhausted the appeal process.

The outside employment may be revoked:

- (a) If an employee's performance declines to a point where it is evaluated by a supervisor as needing improvement to reach an overall level of minimum acceptable competency, and the outside employment may be related to the employee's performance. The Chief of Police may, at his/her discretion, notify the employee of the intent to revoke any previously approved outside employment permits. After the appeal process has concluded, the revocation will remain in force until the employee's performance directly related to the outside employment has been reestablished to the minimum level of acceptable competency.
- (b) If, at any time during the term of a valid outside employment permit, an employee's conduct or outside employment conflicts with the provisions of Department policy, or any law.
- (c) The outside employment creates an actual or apparent conflict of interest with the Department or City.

1016.3 PROHIBITED OUTSIDE EMPLOYMENT

The Department expressly reserves the right to deny any application submitted by an employee seeking to engage in any activity that involves:

- (a) the employee's use of Department time, facilities, equipment or supplies, the use of the Department badge, uniform, prestige or influence for private gain or advantage.
- (b) the employee's receipt or acceptance of any money or other consideration from anyone other than this department for the performance of an act that the employee, if not performing such act, would be required or expected to render in the regular course or hours of employment or as a part of the employee's duties as a member of this department.
- (c) the performance of an act in other than the employee's capacity as a member of this department that may later be subject directly or indirectly to the control, inspection, review, audit or enforcement of any other employee of this department.

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- (d) time demands that would render performance of the employee's duties for this department below minimum standards or would render the employee unavailable for reasonably anticipated overtime assignments and other job-related demands that occur outside regular working hours.
- (e) employment as a private investigator or other similar position.
- (f) employment as a process server, bail bondsman, reposessor, or bill collector; an employee of a business engaged in towing and/or storage of vehicles; a taxi cab driver; or any other employment in which police authority might be used to collect money or merchandise for private purposes.
- (g) employment conducting personnel investigations for the private sector or any employment that might require the police officer to have access to police information, files, records, or services as a condition of employment.
- (h) employment using the police uniform in the performance of tasks other than those of a police nature.
- (i) employment that assists (in any manner) the case preparation for the defense in any criminal action or in any civil action or proceeding wherein the City of Blue Ash is a party to the action.
- (j) employment for a business or labor group that is on strike.
- (k) employment or interest in any vending machine company or service, including bank automatic teller machines (ATM).
- (l) employment conducting pre-employment background investigations for private industry.
- (m) employment activity that is illegal, inconsistent, incompatible, or in opposition to the duties, functions, and/or responsibilities of employment with the Department.
- (n) employment at establishments that sell pornographic books or magazines, sexual devices or videos, or that otherwise provide entertainment or services of a sexual nature.
- (o) employment or interest in a business involving the sale, manufacture, or transport of alcoholic beverages as the principal business, except that in the interest of public safety, the Chief of Police may approve employment by liquor-by-the-glass permit holders on a case-by-case basis.
- (p) employment at a gambling establishment not exempted by law.

1016.3.1 TESTIMONIALS OR ADVERTISEMENTS

Whether for compensation or uncompensated, officers shall not authorize the use of their name, official title, or photograph identifying them as members of the Blue Ash Police Department in connection with any testimonial or advertisement of any commodity or commercial enterprise without written approval from the Chief of Police.

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1016.4 DEPARTMENT RESOURCES

Employees are prohibited from using any Department equipment or resources in the course of or for the benefit of any regular off-duty employment. This shall include the prohibition of access to official records or databases of this department or other agencies through the use of the employee's position with this department.

1016.5 CHANGES IN OUTSIDE EMPLOYMENT STATUS

If an employee terminates his/her outside employment during the period of a valid permit, the employee shall promptly submit written notification of such termination to the Chief of Police through the appropriate chain of command. Any subsequent request for renewal or continued outside employment must thereafter be processed and approved through normal procedures set forth in this policy.

Employees shall also promptly submit in writing to the Chief of Police any material changes in outside employment including any change in the number of hours, type of duties or demands of any approved outside employment. Employees who are uncertain whether a change in outside employment is material shall report the change.

1016.6 OUTSIDE EMPLOYMENT WHILE ON DISABILITY OR ADMINISTRATIVE LEAVE

Department members engaged in outside employment who are placed on disability or administrative leave or modified/light-duty shall inform their immediate supervisor in writing within five days whether they intend to continue to engage in outside employment while on such leave or light-duty status. The immediate supervisor shall review the duties of the outside employment along with any work-related doctor's orders and make a recommendation to the Chief of Police whether such outside employment should continue or the permit be suspended or revoked.

In the event the Chief of Police determines that the outside employment should be discontinued or if the employee fails to promptly notify his/her supervisor of his/her intentions regarding the work permit, a notice of intent to revoke the employee's permit will be forwarded to the involved employee and a copy attached to the original work permit. The revocation process outlined in this policy shall be followed.

Criteria for revoking or suspending the outside employment permit while on disability status or administrative leave include, but are not limited to, the following:

- (a) The outside employment is medically detrimental to the total recovery of the disabled employee, as indicated by the City's professional medical advisers.
- (b) The outside employment performed requires the same or similar physical ability, as would be required of an on-duty employee.
- (c) The employee's failure to make timely notice of his/her intentions to his/her supervisor.
- (d) The outside employment is not compatible with the reason the employee is on administrative leave.

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1016.7 WORKERS COMPENSATION

Officers working outside employment, both extra-duty and regular off-duty, are independent contractors or employees of the outside employer. Issues of workers compensation and other coverage for potential injuries are between the outside employer and the officer; however the City of Blue Ash workers compensation insurance may apply to extra-duty employment situations where the injured employee was actively enforcing the law when the injury occurred.

- (a) The Department does not verify the status of outside employers' workers compensation.

The Department recognizes that an officer in law enforcement-related employment may undertake an action connected with the employment that the courts may construe as a law-enforcement duty, and therefore an extension of the job. Officers are reminded that their off-duty performance must follow the same standards required for on-duty performance. Off-duty law-enforcement actions, whether for a private employer or not, must meet the requirements of this manual.

1016.8 EXTRA-DUTY EMPLOYMENT

All Extra-Duty (off-duty details) must be approved by a Bureau Commander or his designee. Shift supervisors may approve an off-duty detail that is submitted on short notice.

Types of extra-duty services that may be considered are, but not limited to, the following:

- (a) Traffic control and pedestrian safety
- (b) Crowd control
- (c) Security and protection of life and property
- (d) Routine law enforcement for public authorities
- (e) Plainclothes assignments, except the detection of shoplifters from retail businesses. Exceptions may be made by the Chief of Police for extenuating circumstances on a case-by-case basis.

1016.8.1 EXTRA-DUTY REGULATIONS

- (a) A police officer engaged in any off-duty employment is subject to call-out in case of emergency, and may be expected to leave his extra-duty employment in such situations. Officers while engaged in extra-duty employment are under the supervision of the on-duty Blue Ash Police Department OIC. In the event law enforcement action is taken while working extra-duty employment, the on-duty Blue Ash Police Department OIC shall be notified immediately.
- (b) Extra-duty employment is restricted to the city of Blue Ash boundaries or law enforcement jurisdictions wherein a Mutual Aid Agreement with the Blue Ash Police Department exists.
- (c) Serving as a recruiter and receiving compensation for procurement of extra-duty employment for other Department employees is prohibited.

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- (d) No employee shall solicit any person or business for the purpose of gaining extra-duty employment, and, while on-duty, shall not solicit any person or business for the purpose of gaining off-duty employment.
- (e) Permission must be secured in advance from the Blue Ash Police Department on-duty OIC to use any city vehicle and equipment for extra-duty employment. The use of that vehicle and equipment shall be recorded in the daily logbook.
- (f) Officers in covert or undercover assignments may not work uniformed extra-duty details without authorization from the Chief of Police. All officers working these details will comply with Department uniform and grooming standards.
- (g) All officers, while working either in plain clothes or uniformed extra-duty employment, shall wear and/or possess the following:
 - 1. Body armor
 - 2. Firearm in approved holster
 - 3. Handcuffs
 - 4. City band radio and county band radio
 - 5. Blue Ash Police Department badge and identification card
 - 6. Officers working a uniformed detail shall wear their complete duty gun belt and related equipment
- (h) All officers when working extra-duty employment shall notify the on-duty Blue Ash Police Department OIC, the Blue Ash Police Department dispatcher, and the Hamilton County Communications Center of their location and the duration of the detail.
 - 1. The officer shall log in his/her radio number to the Hamilton County Communications Center.
 - 2. The officer will check out with the on-duty Blue Ash Police Department OIC upon completion of the detail.
- (i) Arrests made while engaged in extra-duty employment shall be limited to felonies or criminal misdemeanors committed in the officer's presence or a breach of the peace jeopardizing public safety.
 - 1. Employees shall understand that Department liability protection does not extend to willful acts which cause injury or damage, or acts the officer knew or reasonably should have known conflicted with Department policy or the law.
 - 2. Court time compensation resulting from extra duty employment is the responsibility of the outside employer.
 - (a) If an officer takes enforcement action due to his status as a police officer and in circumstances which do not directly benefit the outside employer, the officer with permission of a supervisor may be compensated by the City for court time.
- (j) Officers who make an original arrest while working extra-duty employment shall, if within the jurisdiction of the city of Blue Ash, accompany the prisoner to the police station for processing. The on-duty Blue Ash Police Department OIC may

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make exceptions. If the arrest process and necessary Departmental reports are not completed by the scheduled ending time of the detail, the officer(s) involved will be compensated by the Department at the time-and-a-half rate from the scheduled ending time of the detail until the reports are completed, or will be compensated at the normal pay rate for completion of the reports for any period of time that extends into the officer's regular duty hours.

- (k) Officers who are unable to work a scheduled extra-duty detail due to illness, injury, emergency, or other legitimate reason will find a replacement officer. If a replacement officer can not be found the assigned officer will notify the Detail Coordinator as soon as possible. If the Detail Coordinator is not on-duty, the officer will notify the on-duty Blue Ash Police Department OIC. The Detail Coordinator or the on-duty Blue Ash Police Department OIC will attempt to fill the detail with a replacement. If the detail is filled with a replacement, the Detail Coordinator or the on-duty Blue Ash Police Department OIC will insure that the detail roster is corrected to reflect the name of the officer who worked the detail.
- (l) Personnel are subject to progressive corrective/disciplinary action and for suspension from all extra-duty employment for the following:
 - 1. Violation of any provision of this procedure.
 - 2. Failure to report for an assigned outside employment detail.
 - 3. Tardiness.
 - 4. Lack of proper equipment.
 - 5. Unacceptable appearance, performance, or conduct.

1016.8.2 DETAIL COORDINATOR RESPONSIBILITIES

- (a) Completed and approved Off-Duty/Outside Employment Request forms will be maintained by the Detail Coordinator.
- (b) Rosters and or schedules will be maintained for all extra-duty details. The roster/schedule will indicate the officer(s) working the detail and hours worked. These rosters will be maintained by the Detail Coordinator and filed upon the completion of the detail, or periodically in the case of long-term ongoing details.

Personal Appearance Standards

1017.1 PURPOSE AND SCOPE

To project uniformity and neutrality toward the public and other members of the Department, employees shall maintain their personal hygiene and appearance to project a professional image appropriate for this department and for their assignment.

1017.2 GROOMING STANDARDS

Unless otherwise stated and because deviations from these standards could present officer safety issues, the following appearance standards to ensure employees shall be clean and well-groomed when on-duty, shall apply to all employees, except those whose current assignment would deem them not appropriate, and where the Chief of Police has granted exception.

1017.2.1 HAIR

Hairstyles of all members shall be neat in appearance. For male sworn members, hair must not extend below the top edge of the uniform collar while assuming a normal stance.

For female sworn members, hair must be no longer than the horizontal level of the bottom of the uniform patch when the employee is standing erect and the hair is worn up or in a tightly wrapped braid or ponytail.

1017.2.2 MUSTACHES

A short and neatly trimmed mustache may be worn. Mustaches shall not extend below the corners of the mouth or beyond the natural hairline of the upper lip.

1017.2.3 SIDEBURNS

Sideburns shall not extend below the bottom of the outer ear opening (the top of the earlobes) and shall be trimmed and neat.

1017.2.4 FACIAL HAIR

Facial hair other than sideburns, mustaches and eyebrows shall not be worn, unless authorized by the Chief of Police or a designee.

Beards are prohibited unless for Department-approved medical exemptions. With an exemption, the member's beard shall be trimmed as closely as medically possible, generally no longer than 1/8 inch. Special designs, custom trims, goatees, shaping, and other styles cut into or using facial hair are prohibited.

1017.2.5 FINGERNAILS

Fingernails extending beyond the tip of the finger can pose a safety hazard to officers or others. For this reason, fingernails shall be trimmed so that no point of the nail extends beyond the tip of the finger.

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Personal Appearance Standards

1017.2.6 JEWELRY

For the purpose of this policy, jewelry refers to rings, earrings, necklaces, bracelets, wristwatches, and tie tacks or tie bars. Jewelry shall present a professional image and may not create a safety concern for the department member or others. Jewelry that depicts racial, sexual, discriminatory, gang-related, or obscene language is not allowed.

- (a) Necklaces shall not be visible above the shirt collar.
- (b) Earrings shall be of the small stud-type and worn only in or on the earlobe, one per ear.
- (c) One ring or ring set may be worn on each hand of the department member. No rings should be of the type that would cut or pose an unreasonable safety risk to the member or others during a physical altercation, if the member is assigned to a position where that may occur.
- (d) One small bracelet, including a bracelet identifying a medical condition, may be worn on one arm.
- (e) Wristwatches shall be conservative and present a professional image.
- (f) Tie tacks or tie bars worn with civilian attire shall be conservative and present a professional image.

1017.3 TATTOOS

While on-duty or representing the Department in any official capacity, every reasonable effort should be made to conceal tattoos or other body art that has been determined to contain vulgar language, nudity, or which could be interpreted as being racially insensitive. The Chief of Police or his/her designee will be the sole person to make said determination. At no time while on-duty or representing the Department in any official capacity, shall any tattoo or body art be visible that has been determined to be out of compliance with this section.

1017.3.1 EXEMPTIONS

Currently employed uniformed employees hired prior to August 1, 2019, with existing tattoo(s) are exempt, unless the tattoo(s) contain vulgar language, nudity, or are racially insensitive. Any visible tattoo(s) obtained after August 1, 2019 must be in compliance and the employee must receive prior approval from the Chief of Police or his/her designee before the tattoo is applied.

1017.4 BODY PIERCING OR ALTERATION

Body piercing or alteration to any area of the body that is visible in any authorized uniform or attire, and is a deviation from normal anatomical features and that is not medically required is prohibited. Such body alteration includes, but is not limited to, the following:

- (a) Tongue splitting or piercing.
- (b) The complete or transdermal implantation of any material other than hair replacement or breast augmentation.
- (c) Abnormal shaping of the ears, eyes, nose or teeth.
- (d) Branding or scarification.

Police Uniform Regulations

1018.1 PURPOSE AND SCOPE

The uniform policy of the Blue Ash Police Department is established to ensure that uniformed officers, special assignment personnel and non-sworn employees will be readily identifiable to the public through the proper use and wearing of Department uniforms. Employees should also refer to the following associated policies:

- Firearms Policy
- Department-Owned and Personal Property Policy
- Body Armor Policy
- Personal Appearance Standards Policy

The Blue Ash Police Department will provide uniforms for all employees who are required to wear them in the manner, quantity and frequency determined by the Chief of Police or designee.

1018.2 WEARING AND CONDITION OF UNIFORM AND EQUIPMENT

Police employees wear the uniform to be identified as the law enforcement authority in society. The uniform also serves an equally important purpose, which is to identify the wearer as a source of assistance in an emergency, crisis or other time of need.

- (a) Uniform and equipment shall be maintained in a serviceable condition and shall be ready at all times for immediate use. Uniforms shall be neat, clean and appear professionally pressed.
- (b) All peace officers of this department shall possess and maintain at all times, a serviceable uniform and the necessary equipment to perform uniformed field duty.
- (c) Personnel shall wear only the uniform specified for their rank and assignment.
- (d) Employees shall not permit the uniform to be reproduced or duplicated.
- (e) All supervisors will perform periodic inspections of their personnel to ensure conformance to these regulations.
- (f) Civilian attire shall not be worn in combination with any distinguishable part of the uniform.
- (g) Uniforms are only to be worn while on-duty, while in transit to or from work, for court or at other official Department functions or events.
- (h) Employees are not to purchase or drink alcoholic beverages while wearing any part of the Department uniform, including the uniform pants.
- (i) Visible jewelry, other than those items listed below, shall not be worn with the uniform, unless specifically authorized by the Chief of Police or a designee.
 1. Wrist watch.

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2. Wedding rings, class ring or other ring of tasteful design; a maximum of one ring/set may be worn on each hand.
3. Medical alert bracelet.

1018.2.1 DEPARTMENT ISSUED IDENTIFICATION

The Department issues each employee an official Department identification card bearing the employee's name, identifying information and photo likeness. All employees shall be in possession of their Department-issued identification card at all times while on-duty or when carrying a concealed weapon.

- (a) Whenever on-duty or acting in an official capacity representing the Department, employees shall display their Department-issued identification in a courteous manner to any person upon request and as soon as practicable.
- (b) Officers working specialized assignments may be excused from the requirements regarding the possession and display of identification when directed by their Bureau Commander.

1018.3 UNIFORM CLASSES

The various uniform specification classes are those identified in this policy.

1018.3.1 CLASS A UNIFORM

The Class A uniform is to be worn on special occasions, such as funerals, graduations, promotions, ceremonies or as directed. The Class A uniform is required for all sworn personnel. The Class A uniform includes the standard issue uniform with the following:

- (a) Dress blouse and trousers.
- (b) Sam Browne duty belt with holster, magazine pouch and cuff case.
- (c) White long sleeve shirt with tie.
- (d) Polished shoes.

1018.3.2 CLASS B UNIFORM

All officers will possess and maintain a serviceable Class B uniform at all times.

The Class B uniform will consist of:

- (a) The short sleeve shirt may be worn with the collar open. No tie is required.
 1. A white, navy blue or black crew neck under shirt must be worn with the uniform.
 2. All shirt buttons must remain buttoned except for the last button at the neck.
- (b) The long sleeve shirt must be worn with a tie or turtleneck.
- (c) Polished shoes. Approved all-black unpolished shoes may be worn.
- (d) Boots with pointed toes are not permitted.

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Short-sleeve shirts may be worn beginning at 0630 hrs on March 15 of each year. They shall be worn beginning at 0630 hrs on May 15.

Long-sleeve shirts may be worn beginning at 0630 hrs on September 15 of each year. They shall be worn beginning at 0630 hrs on November 15.

1018.3.3 CLASS C UNIFORM

The Class C uniform may be established to allow field personnel cooler clothing during the summer months or for special duty assignments. The Chief of Police will establish the regulations and conditions for wearing the Class C uniform and its specifications.

When the high temperature or heat index on a shift as predicted by the national weather service within 24 hours of the shift will exceed 89 degrees Fahrenheit, police officers will have the discretion of wearing the special events uniform on normal patrol duties instead of the Class B uniform. However, the department's ballistic vest policy has not changed. The decision to wear the special events uniform will be left to the individual police officers in these circumstances, and will not be a mandatory or an all-or-none shift-posture.

This applies to the predicted high temperature for that individual shift only, not all shifts on that particular day. Should the temperature fall below 90 degrees Fahrenheit on that shift, the police officer will be permitted to remain in the special events uniform until the end of the shift.

1018.3.4 SPECIALIZED UNIT UNIFORMS

The Chief of Police may authorize special uniforms to be worn by officers in specialized units such as Canine Team, SWAT, Bicycle Patrol, Motor Officers and other specialized assignments.

1018.3.5 FOUL WEATHER GEAR

The uniform and equipment specifications list identifies the authorized uniform jacket and rain gear.

Only the issued blue LAPD-style uniform cap with badge or the black knit hat with embroidered "BAPD" lettering will be worn by officers during cold weather.

1018.4 INSIGNIA AND PATCHES

- (a) The authorized shoulder patch supplied by the Department shall be machine stitched to the sleeves of all uniform shirts and jackets, three-quarters of an inch below the shoulder seam of the shirt, and be bisected by the crease in the sleeve.
- (b) Service stripes and other indicators for length of service may be worn on long sleeved shirts and jackets. They are to be machine stitched onto the uniform. The bottom of the service stripe shall be sewn the width of one and one-half inches above the cuff seam with the rear of the service stripes sewn on the dress of the sleeve. The stripes are to be worn on the left sleeve only.
- (c) The regulation nameplate, or an authorized sewn-on cloth nameplate, shall be worn at all times while in uniform. The nameplate shall display the employee's last name. The nameplate shall be worn and placed either directly above or directly below the

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right pocket upper most seam located in the middle, with equal distance from both sides of the nameplate to the outer edge of the pocket. The nameplate can also be worn on an authorized shirt, vest or coat at the predetermined name plate location by the manufacturer.

- (d) When a jacket is worn, the nameplate or an authorized sewn-on cloth nameplate shall be affixed to the jacket in the same manner as the uniform.
- (e) Assignment insignias, (e.g., SWAT, FTO or similar) may be worn as designated by the Chief of Police or a designee.
- (f) A ribbon bar containing Department-issued awards or other insignia shall be displayed above the regulation nameplate.
- (g) A whistle chain shall be worn on the right side of the uniform, extending from the epaulet button to the pocket, entering under the outer edge of the pocket flap.
- (h) The Department-issued badge, or an authorized sewn-on cloth replica, must be worn and be visible at all times while in uniform. Sworn non-uniform personnel will wear or carry their badge in a manner that the badge is in reasonable proximity to their firearm and able to be displayed whenever appropriate.
- (i) The designated insignia indicating the employee's rank must be worn at all times while in uniform. The Chief of Police or a designee may authorize exceptions.

1018.4.1 MOURNING BADGE BAND

Uniformed employees may wear a black mourning band across the uniform badge whenever a law enforcement officer is killed in the line of duty. The following mourning periods will be observed:

- (a) An officer of this department - From the time of death until midnight on the 14th day after the death.
- (b) A peace officer from this state - From the time of death until midnight on the day of the funeral.
- (c) Funeral attendee - While attending the funeral of a fallen peace officer.
- (d) National Peace Officers Memorial Day (May 15) - From midnight through the following midnight.
- (e) As directed by the Chief of Police or a designee.

1018.5 CIVILIAN ATTIRE

There are assignments within the Department that do not require the wearing of a uniform because recognition and authority are not essential to their function. There are also assignments in which wearing civilian attire is necessary.

- (a) All employees shall wear clothing that fits properly, is clean and free of stains and not damaged or excessively worn.

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- (b) All civilian employees shall wear their department issued or approved shirts, slacks, and/or skirts. The shirts should bear the logo of the City of Blue Ash as designated by those employee's job functions or assignments. For those not issued apparel:
 - 1. All male administrative, investigative and support personnel who elect to wear civilian clothing to work shall wear button-style shirts with a collar, slacks or suits that are moderate in style.
 - 2. All female administrative, investigative and support personnel who elect to wear civilian clothes to work shall wear dresses, slacks, shirts, blouses or suits that are moderate in style.
- (c) The following items shall not be worn on-duty:
 - 1. T-shirt alone.
 - 2. Open-toed sandals or thongs.
 - 3. Swimsuit, tube tops or halter tops.
 - 4. Spandex type pants or see-through clothing.
 - 5. Distasteful printed slogans, buttons or pins.
 - 6. Denim pants of any color.
 - 7. Shorts.
 - 8. Sweatshirts, sweatpants or similar exercise clothing.
- (d) Variations from this order are allowed at the discretion of the Chief of Police or a designee when the employee's assignment or current task is not conducive to wearing such clothing.
- (e) No item of civilian attire may be worn on-duty that would adversely affect the reputation of the Blue Ash Police Department or the morale of the employees.

1018.6 POLITICAL ACTIVITIES, ENDORSEMENTS, ADVERTISEMENTS OR OTHER APPEARANCES IN UNIFORM

Unless specifically authorized by the Chief of Police, Blue Ash Police Department employees may not wear any part of the uniform, be photographed wearing any part of the uniform, utilize a Department badge, patch or other official insignia, or cause to be posted, published or displayed, the image of another employee, or identify him/herself as an employee of the Blue Ash Police Department to do any of the following:

- (a) Endorse, support, oppose or contradict any political campaign or initiative.
- (b) Endorse, support, oppose or contradict any social issue, cause or religion.
- (c) Endorse, support or oppose, any product, service, company or other commercial entity.

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- (d) Appear in any commercial, social or nonprofit publication, or any motion picture, film, video, public broadcast, photo, any website or any other visual depiction.

1018.7 OPTIONAL EQUIPMENT - MAINTENANCE AND REPLACEMENT

- (a) Any of the items listed in the uniform and equipment specifications as optional shall be purchased at the expense of the employee.
- (b) Maintenance of optional items shall be the financial responsibility of the purchasing employee (e.g., repairs due to normal wear and tear).
- (c) Replacement of items listed in this order as optional shall be done as follows:
 - 1. When the item is no longer functional because of normal wear and tear, the employee bears the full cost of replacement.
 - 2. When the item is no longer functional because of damage in the course of the employee's duties, it may be replaced following the procedures for the replacement of damaged personal property outlined in the Department-Owned and Personal Property Policy.

1018.8 UNAUTHORIZED UNIFORMS, EQUIPMENT AND ACCESSORIES

Blue Ash Police Department employees may not wear any uniform item, accessory or attachment unless specifically authorized in the uniform and equipment specifications list or by the Chief of Police or a designee.

Blue Ash Police Department employees may not use or carry any tool or other piece of equipment unless specifically authorized in the uniform and equipment specifications list or by the Chief of Police or a designee.

Department Badges

1019.1 PURPOSE AND SCOPE

A Blue Ash Police Department badge and uniform patch as well as the likeness of these items and the name of the Blue Ash Police Department are property of the Department and their use shall be restricted as set forth in this policy.

1019.2 POLICY

The uniform badge shall be issued to Department members as a symbol of authority. The use and display of Department badges shall be in strict compliance with this policy. Only authorized badges issued by this department shall be displayed, carried or worn by members while on-duty or otherwise acting in an official or authorized capacity.

1019.2.1 FLAT BADGE

Certified officers, with the written approval of the Chief of Police or a designee, may purchase at their own expense a flat badge that can be carried in a wallet. The use of the flat badge is subject to all the same provisions of Department policy as the uniform badge.

- (a) An officer may sell, exchange or transfer the flat badge he/she purchased to another officer within the Blue Ash Police Department with the written approval of the Chief of Police or a designee.
- (b) Should the flat badge become lost, damaged or otherwise removed from the officer's control, he/she shall make the proper notifications as outlined in the Department-Owned and Personal Property Policy.
- (c) An honorably retired officer may keep his/her flat badge upon retirement.
- (d) The purchase, carrying or display of a flat badge is not authorized for non-sworn personnel.

1019.2.2 NON-SWORN PERSONNEL

Badges and Department identification cards issued to non-sworn personnel shall be clearly marked to reflect the position of the assigned employee (e.g. parking control, dispatcher).

- (a) Non-sworn personnel shall not display any Department badge except as a part of his/her uniform and while on-duty or otherwise acting in an official and authorized capacity.
- (b) Non-sworn personnel shall not display any Department badge or represent him/herself, on- or off-duty, in such a manner which would cause a reasonable person to believe that he/she is a sworn officer.

1019.2.3 RETIREE UNIFORM BADGE

Upon honorable retirement employees may purchase their assigned duty badge for display purposes. It is intended that the duty badge be used only as private memorabilia, as other uses of the badge may be unlawful or in violation of this policy.

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1019.3 UNAUTHORIZED USE

Except as required for on-duty use by current employees, no badge designed for carry or display in a wallet, badge case or similar holder shall be issued to anyone other than a current or honorably retired peace officer.

Department badges are issued to all certified employees and non-sworn uniformed employees for official use only. The Department badge, shoulder patch or the likeness thereof, or the Department name shall not be used for personal or private reasons including, but not limited to, letters, memoranda and electronic communications, such as electronic mail or websites and web pages.

The use of the badge, uniform patch and Department name for all material (e.g., printed matter, products or other items) developed for Department use shall be subject to approval by the Chief of Police or a designee.

Employees shall not loan the badge or identification card to others and shall not permit the badge or identification card to be reproduced or duplicated.

1019.4 PERMITTED USE BY EMPLOYEE GROUPS

The likeness of the Department badge shall not be used without the express authorization of the Chief of Police or a designee and shall be subject to the following:

- (a) The employee associations may use the likeness of the Department badge for merchandise and official association business, provided it is used in a clear representation of the association and not the Blue Ash Police Department. The following modifications shall be included:
 - 1. The text on the upper and lower ribbons is replaced with the name of the employee association.
 - 2. The badge number portion displays the acronym of the employee association.
- (b) The likeness of the Department badge for endorsement of political candidates shall not be used without the express approval of the Chief of Police or a designee.

Temporary Modified-Duty Assignments

1020.1 PURPOSE AND SCOPE

This policy establishes procedures for providing temporary modified-duty assignments. This policy is not intended to affect the rights or benefits of employees under federal or state law, City rules or current collective bargaining agreements. For example, nothing in this policy affects the obligation of the Department to engage in a good faith, interactive process to consider reasonable accommodations for any employee with a temporary or permanent disability that is protected under federal or state law.

1020.2 POLICY

Subject to operational considerations, the Blue Ash Police Department may identify temporary modified-duty assignments for employees who have an injury or medical condition resulting in temporary work limitations or restrictions. A temporary assignment allows the employee to work, while providing the Department with a productive employee during the temporary period.

1020.3 GENERAL CONSIDERATIONS

Priority consideration for temporary modified-duty assignments will be given to employees with work-related injuries or illnesses that are temporary in nature. Employees having disabilities covered under the Americans with Disabilities Act (ADA) or the Ohio Civil Rights Act shall be treated equally, without regard to any preference for a work-related injury (ORC § 4112.01 et. seq.).

No position in the Blue Ash Police Department shall be created or maintained as a temporary modified-duty assignment.

Temporary modified-duty assignments are a management prerogative and not an employee right. The availability of temporary modified-duty assignments will be determined on a case-by-case basis, consistent with the operational needs of the Department. Temporary modified-duty assignments are subject to continuous reassessment, with consideration given to operational needs and the employee's ability to perform in a modified-duty assignment.

The Chief of Police or the authorized designee may restrict employees working in temporary modified-duty assignments from wearing a uniform, displaying a badge, carrying a firearm, operating an emergency vehicle, engaging in outside employment, or being otherwise limited in employing their peace officer powers.

Temporary modified-duty assignments shall generally not exceed a cumulative total of 1,040 hours in any one-year period.

1020.4 PROCEDURE

Employees may request a temporary modified-duty assignment for short-term injuries or illnesses.

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Employees seeking a temporary modified-duty assignment should submit a written request to their Bureau Commanders or the authorized designees. The request should, as applicable, include a certification from the treating medical professional containing:

- (a) An assessment of the nature and probable duration of the illness or injury.
- (b) The prognosis for recovery.
- (c) The nature and scope of limitations and/or work restrictions.
- (d) A statement regarding any required workplace accommodations, mobility aids or medical devices.
- (e) A statement that the employee can safely perform the duties of the temporary modified-duty assignment.

The Bureau Commander will make a recommendation through the chain of command to the Chief of Police regarding temporary modified-duty assignments that may be available based on the needs of the Department and the limitations of the employee. The Chief of Police or the authorized designee shall confer with the Human Resources Office or the City Solicitor as appropriate.

1020.5 ACCOUNTABILITY

Written notification of assignments, work schedules and any restrictions should be provided to employees assigned to temporary modified-duty assignments and their supervisors. Those assignments and schedules may be adjusted to accommodate department operations and the employee's medical appointments, as mutually agreed upon with the Bureau Commander.

1020.5.1 EMPLOYEE RESPONSIBILITIES

The responsibilities of employees assigned to temporary modified duty shall include, but not be limited to:

- (a) Communicating and coordinating any required medical and physical therapy appointments in advance with their supervisors.
- (b) Promptly notifying their supervisors of any change in restrictions or limitations after each appointment with their treating medical professionals.
- (c) Communicating a status update to their supervisors no less than once every 30 days while assigned to temporary modified duty.
- (d) Submitting a written status report to the Bureau Commander that contains a status update and anticipated date of return to full-duty when a temporary modified-duty assignment extends beyond 60 days.

1020.5.2 SUPERVISOR RESPONSIBILITIES

The employee's immediate supervisor shall monitor and manage the work schedule of those assigned to temporary modified duty.

The responsibilities of supervisors shall include, but not be limited to:

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- (a) Periodically apprising the Bureau Commander of the status and performance of employees assigned to temporary modified duty.
- (b) Notifying the Bureau Commander and ensuring that the required documentation facilitating a return to full duty is received from the employee.
- (c) Ensuring that employees returning to full duty have completed any required training and certification.

1020.6 MEDICAL EXAMINATIONS

Prior to returning to full-duty status, employees shall be required to provide certification from their treating medical professionals stating that they are medically cleared to perform the essential functions of their jobs without restrictions or limitations.

The Department may require a fitness-for-duty examination prior to returning an employee to full-duty status, in accordance with the Fitness for Duty Policy.

1020.7 PREGNANCY

If an employee is temporarily unable to perform regular duties due to a pregnancy, childbirth, or a related medical condition, the employee will be treated the same as any other temporarily disabled employee (42 USC § 2000e(k)). A pregnant employee shall not be involuntarily transferred to a temporary modified-duty assignment.

1020.7.1 NOTIFICATION

Pregnant employees should notify their immediate supervisors as soon as practicable and provide a statement from their medical providers identifying any pregnancy-related job restrictions or limitations. If at any point during the pregnancy it becomes necessary for the employee to take a leave of absence, such leave shall be granted in accordance with the City's personnel rules and regulations regarding family and medical care leave.

1020.8 PROBATIONARY EMPLOYEES

Probationary employees who are assigned to a temporary modified-duty assignment shall have their probation extended by a period of time equal to their assignment to temporary modified duty.

1020.9 MAINTENANCE OF CERTIFICATION AND TRAINING

Employees assigned to temporary modified duty shall maintain all certification, training and qualifications appropriate to both their regular and temporary duties, provided that the certification, training or qualifications are not in conflict with any medical limitations or restrictions. Employees who are assigned to temporary modified duty shall inform their supervisors of any inability to maintain any certification, training or qualifications.

Employee Speech, Expression and Social Networking

1021.1 PURPOSE AND SCOPE

This policy is intended to address issues associated with employee use of social networking sites and to provide guidelines for the regulation and balance of employee speech and expression with the needs of the Department.

Nothing in this policy is intended to prohibit or infringe upon any communication, speech or expression that is protected or privileged under law. This includes speech and expression protected under state or federal constitutions as well as labor or other applicable laws. For example, this policy does not limit an employee from speaking as a private citizen, including acting as an authorized member of a recognized bargaining unit or officer associations, about matters of public concern, such as misconduct or corruption.

Employees are encouraged to consult with their supervisor regarding any questions arising from the application or potential application of this policy.

1021.1.1 APPLICABILITY

This policy applies to all forms of communication including, but not limited to film, video, print media or public speech, use of all Internet services, including the World Wide Web, e-mail, file transfer, remote computer access, news services, social networking, social media, instant messaging, blogs, forums, wikis, video and other file sharing sites.

1021.2 POLICY

Because public employees occupy a trusted position in the community, and thus, their statements have the potential to contravene the policies and negatively impact the performance of this department. Due to the nature of the work and influence associated with the law enforcement profession, it is necessary that employees of this department be subject to certain reasonable limitations on their speech and expression. To achieve its mission and efficiently provide service to the public the Blue Ash Police Department will carefully balance the individual employee's rights against the organization's needs and interests when exercising a reasonable degree of control over its employees' speech and expression.

1021.3 SAFETY

Employees should carefully consider the implications of their speech or any other form of expression when using the Internet. Speech and expression that may negatively affect the safety of Blue Ash Police Department employees, such as posting personal information in a public forum, can result in compromising an employee's home address or family ties. Employees should therefore not disseminate or post any information on any forum or medium that could reasonably be expected to compromise the safety of any employee, employee's family or associates or persons that this department has had professional contact with, such as crime victims or the staff

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of other organizations. Examples of the type of information that could reasonably be expected to compromise safety include:

- Disclosing a photograph and name or address of an officer who is working undercover.
- Disclosing the address of a fellow officer.
- Otherwise disclosing where another officer can be located off-duty.

1021.4 PROHIBITED SPEECH, EXPRESSION AND CONDUCT

To meet the department's safety, performance and public-trust needs, the following are prohibited unless the speech is otherwise protected (for example, an employee speaking as a private citizen, including acting as an authorized member of a recognized bargaining unit or officer associations, on a matter of public concern):

- (a) Speech or expression made pursuant to an official duty that tends to compromise or damage the mission, function, reputation or professionalism of the Blue Ash Police Department or its employees.
- (b) Speech or expression that, while not made pursuant to an official duty, is significantly linked to, or related to, the Blue Ash Police Department and tends to compromise or damage the mission, function, reputation or professionalism of the Blue Ash Police Department or its employees. Examples may include:
 1. Statements that indicate disregard for the law of the state or U.S. Constitution.
 2. Expression that demonstrates support for criminal activity.
 3. Participating in sexually explicit photographs or videos for compensation or distribution.
- (c) Speech or expression that could reasonably be foreseen as having a negative impact on the credibility of the employee as a witness. For example, posting statements or expressions to a website that glorify or endorse dishonesty, unlawful discrimination or illegal behavior.
- (d) Speech or expression of any form that could reasonably be foreseen as having a negative impact on the safety of the employees of the Department. For example, a statement on a blog that provides specific details as to how and when prisoner transportations are made could reasonably be foreseen as potentially jeopardizing employees by informing criminals of details that could facilitate an escape or attempted escape.
- (e) Speech or expression that is contrary to the canons of the Law Enforcement Code of Ethics as adopted by the Blue Ash Police Department.
- (f) Use or disclosure, through whatever means, of any information, photograph, video or other recording obtained or accessible as a result of employment with the Department for financial or personal gain, data classified as confidential by state or federal law

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or any disclosure of such materials without the express authorization of the Chief of Police or the authorized designee.

- (g) Posting, transmitting or disseminating any photographs, video or audio recordings, likenesses or images of department logos, emblems, uniforms, badges, patches, marked vehicles, equipment or other material that specifically identifies the Blue Ash Police Department on any personal or social networking or other website or web page without the express authorization of the Chief of Police.
- (h) Accessing websites for non-authorized purposes, or use of any personal communication device, game device or media device, whether personally or department-owned, for personal purposes while on-duty, except in the following circumstances:
 - 1. When brief personal communication may be warranted by the circumstances (e.g., inform family of extended hours).
 - 2. During authorized breaks; such usage should be limited as much as practicable to areas out of sight and sound of the public and shall not be disruptive to the work environment.

Employees must take reasonable and prompt action to remove any content, including content posted by others, that is in violation of this policy from any web page or website maintained by the employee (e.g., social or personal website).

1021.4.1 UNAUTHORIZED ENDORSEMENTS AND ADVERTISEMENTS

While employees are not restricted from engaging in the following activities as private citizens or as authorized members of a recognized bargaining unit or officer associations, employees may not represent the Blue Ash Police Department or identify themselves in any way that could be reasonably perceived as representing the Blue Ash Police Department in order to do any of the following, unless specifically authorized by the Chief of Police:

- (a) Endorse, support, oppose or contradict any political campaign or initiative.
- (b) Endorse, support, oppose or contradict any social issue, cause or religion.
- (c) Endorse, support, or oppose any product, service, company or other commercial entity.
- (d) Appear in any commercial, social or nonprofit publication or any motion picture, film, video, public broadcast or any website.

Additionally, when it can reasonably be construed that an employee acting in his/her individual capacity or through an outside group or organization (e.g. bargaining group), is affiliated with this department, the employee shall give a specific disclaiming statement that any such speech or expression is not representative of the Blue Ash Police Department.

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Employees retain their right to vote as they choose, to support candidates of their choice and to express their opinions as private citizens, including as authorized members of a recognized bargaining unit or officer associations, on political subjects and candidates at all times while off-duty. However, employees may not use their official authority or influence to interfere with or affect the result of an election or a nomination for office. Employees are also prohibited from directly or indirectly using their official authority to coerce, command or advise another employee to pay, lend or contribute anything of value to a party, committee, organization, agency or person for political purposes (5 USC § 1502).

1021.5 PARTISAN POLITICAL ACTIVITY

Employees are restricted in partisan political activity based on the following (ORC § 124.57):

- (a) Classified employees are prohibited from engaging in political activity, directly or indirectly, orally or by letter, soliciting or receiving any assessment, subscription or contribution for any political party or for any candidate for public office. In addition, they may not solicit or receive any assessment, subscription, or contribution for any political party or for any candidate for public office.
- (b) Unclassified service employees are prohibited from participating in any political activity during duty time and from soliciting political contributions from any state employee.

1021.6 PRIVACY EXPECTATION

Members forfeit any expectation of privacy with regard to emails, texts or anything published or maintained through file-sharing software or any Internet site (e.g., Facebook, MySpace) that is accessed, transmitted, received or reviewed on any department technology system (see the Information Technology Use Policy for additional guidance).

1021.7 CONSIDERATIONS

In determining whether to grant authorization of any speech or conduct that is prohibited under this policy, the factors that the Chief of Police or authorized designee should consider include:

- (a) Whether the speech or conduct would negatively affect the efficiency of delivering public services.
- (b) Whether the speech or conduct would be contrary to the good order of the Department or the efficiency or morale of its members.
- (c) Whether the speech or conduct would reflect unfavorably upon the Department.
- (d) Whether the speech or conduct would negatively affect the member's appearance of impartiality in the performance of his/her duties.
- (e) Whether similar speech or conduct has been previously authorized.
- (f) Whether the speech or conduct may be protected and outweighs any interest of the Department.

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1021.8 TRAINING

Subject to available resources, the Department should provide training regarding employee speech and the use of social networking to all members of the Department.

Line-of-Duty Deaths

1022.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance to members of the Blue Ash Police Department in the event of the death of a member occurring in the line of duty and to direct the Department in providing proper support for the member's survivors.

The Chief of Police may also apply some or all of this policy in situations where members are injured in the line of duty and the injuries are life-threatening.

1022.1.1 DEFINITIONS

Definitions related to this policy include:

Line-of-duty death - The death of a sworn member during the course of performing law enforcement-related functions while on- or off-duty, or a non-sworn member during the course of performing their assigned duties.

Survivors - Immediate family members of the deceased member, which can include spouse, children, parents, other next of kin or significant others. The determination of who should be considered a survivor for purposes of this policy should be made on a case-by-case basis given the individual's relationship with the member and whether the individual was previously designated by the deceased member.

1022.2 POLICY

It is the policy of the Blue Ash Police Department to make appropriate notifications and to provide assistance and support to survivors and coworkers of a member who dies in the line of duty.

It is also the policy of this department to respect the requests of the survivors when they conflict with these guidelines, as appropriate.

1022.3 INITIAL ACTIONS BY COMMAND STAFF

- (a) Upon learning of a line-of-duty death, the deceased member's supervisor should provide all reasonably available information to the Shift OIC and Dispatch.
 - 1. Communication of information concerning the member and the incident should be restricted to secure networks to avoid interception by the media or others (see the Public Information Officer section of this policy).
- (b) The Shift OIC should ensure that notifications are made in accordance with the Officer-Involved Shootings and Deaths and Major Incident Notification policies as applicable.
- (c) If the member has been transported to the hospital, the Shift OIC or the designee should respond to the hospital to assume temporary responsibilities as the Hospital Liaison.
- (d) The Chief of Police or the authorized designee should assign members to handle survivor notifications and assign members to the roles of Hospital Liaison (to relieve the temporary Hospital Liaison) and the Department Liaison as soon as practicable

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(see the Notifying Survivors section and the Department Liaison and Hospital Liaison subsections in this policy).

1022.4 NOTIFYING SURVIVORS

Survivors should be notified as soon as possible in order to avoid the survivors hearing about the incident in other ways.

The Chief of Police or the authorized designee should review the deceased member's emergency contact information and make accommodations to respect the member's wishes and instructions specific to notifying survivors. However, notification should not be excessively delayed because of attempts to assemble a notification team in accordance with the member's wishes.

The Chief of Police, Shift OIC or the authorized designee should select at least two members to conduct notification of survivors, one of which may be the Department Chaplain.

Notifying members should:

- (a) Make notifications in a direct and compassionate manner, communicating as many facts of the incident as possible, including the current location of the member. Information that is not verified should not be provided until an investigation has been completed.
- (b) Determine the method of notifying surviving children by consulting with other survivors and taking into account factors such as the child's age, maturity and current location (e.g., small children at home, children in school).
- (c) Plan for concerns such as known health concerns of survivors or language barriers.
- (d) Offer to transport survivors to the hospital, if appropriate. Survivors should be transported in department vehicles. Notifying members shall inform the Hospital Liaison over a secure network that the survivors are on their way to the hospital and should remain at the hospital while the survivors are present.
- (e) When survivors are not at their residences or known places of employment, actively seek information and follow leads from neighbors, other law enforcement, postal authorities and other sources of information in order to accomplish notification in as timely a fashion as possible. Notifying members shall not disclose the reason for their contact other than a family emergency.
- (f) If making notification at a survivor's workplace, ask a workplace supervisor for the use of a quiet, private room to meet with the survivor. Members shall not inform the workplace supervisor of the purpose of their visit other than to indicate that it is a family emergency.
- (g) Offer to call other survivors, friends or clergy to support the survivors and to avoid leaving survivors alone after notification.
- (h) Assist the survivors with meeting childcare or other immediate needs.
- (i) Provide other assistance to survivors and take reasonable measures to accommodate their needs, wishes and desires. Care should be taken not to make promises or commitments to survivors that cannot be met.

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- (j) Inform the survivors of the name and phone number of the Survivor Support Liaison (see the Survivor Support Liaison section of this policy), if known, and the Department Liaison.
- (k) Provide their contact information to the survivors before departing.
- (l) Document the survivor's names and contact information, as well as the time and location of notification. This information should be forwarded to the Department Liaison.
- (m) Inform the Chief of Police or the authorized designee once survivor notifications have been made so that other Blue Ash Police Department members may be apprised that survivor notifications are complete.

1022.4.1 OUT-OF-AREA NOTIFICATIONS

The Department Liaison should request assistance from law enforcement agencies in appropriate jurisdictions for in-person notification to survivors who are out of the area.

- (a) The Department Liaison should contact the appropriate jurisdiction using a secure network and provide the assisting agency with the name and telephone number of the department member that the survivors can call for more information following the notification by the assisting agency.
- (b) The Department Liaison may assist in making transportation arrangements for the member's survivors, but will not obligate the Department to pay travel expenses without the authorization of the Chief of Police.

1022.5 NOTIFYING DEPARTMENT MEMBERS

Supervisors or members designated by the Chief of Police are responsible for notifying department members of the line-of-duty death as soon as possible after the survivor notification is made. Notifications and related information should be communicated in person or using secure networks and should not be transmitted over the radio.

Notifications should be made in person and as promptly as possible to all members on-duty at the time of the incident. Members reporting for subsequent shifts within a short amount of time should be notified in person at the beginning of their shift. Members reporting for duty from their residence should be instructed to contact their supervisor as soon as practicable. Those members who are working later shifts or are on days off should be notified by phone as soon as practicable.

Members having a close bond with the deceased member should be notified of the incident in person. Supervisors should consider assistance (e.g., peer support group, modifying work schedules, approving sick leave) for members who are especially affected by the incident.

Supervisors should direct members not to disclose any information outside the Department regarding the deceased member or the incident.

1022.6 LIAISONS AND COORDINATORS

The Chief of Police or the authorized designee should select members to serve as liaisons and coordinators to handle responsibilities related to a line-of-duty death, including, but not limited to:

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- (a) Department Liaison.
- (b) Hospital Liaison.
- (c) Survivor Support Liaison.
- (d) Wellness Support Liaison.
- (e) Funeral Liaison.
- (f) Mutual aid coordinator.
- (g) Benefits Liaison.
- (h) Finance coordinator.

Liaisons and coordinators will be directed by the Department Liaison and should be given sufficient duty time to complete their assignments.

Members may be assigned responsibilities of more than one liaison or coordinator position depending on available department resources. The Department Liaison may assign separate liaisons and coordinators to accommodate multiple family units, if needed.

1022.6.1 DEPARTMENT LIAISON

The Department Liaison should be a Bureau Commander or of sufficient rank to effectively coordinate department resources, and should serve as a facilitator between the deceased member's survivors and the Department. The Department Liaison reports directly to the Chief of Police. The Department Liaison's responsibilities include, but are not limited to:

- (a) Directing the other liaisons and coordinators in fulfilling survivors' needs and requests. Consideration should be given to organizing the effort using the National Incident Management System (NIMS).
- (b) Establishing contact with survivors within 24 hours of the incident and providing them contact information.
- (c) Advising survivors of the other liaison and coordinator positions and their roles and responsibilities.
- (d) Identifying locations that will accommodate a law enforcement funeral and presenting the options to the appropriate survivors, who will select the location.
- (e) Coordinating all official law enforcement notifications and arrangements.
- (f) Making necessary contacts for authorization to display flags at half-mast.
- (g) Ensuring that department members are reminded of appropriate information—sharing restrictions regarding the release of information that could undermine future legal proceedings.
- (h) Coordinating security checks of the member's residence as necessary and reasonable.
- (i) Serving as a liaison with visiting law enforcement agencies during memorial and funeral services.

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1022.6.2 HOSPITAL LIAISON

The Hospital Liaison should work with hospital personnel to:

- (a) Arrange for appropriate and separate waiting areas for:
 1. The survivors and others whose presence is requested by the survivors.
 2. Department members and friends of the deceased member.
 3. Media personnel.
- (b) Ensure, as much as practicable, that any suspects who are in the hospital and their families or friends are not in close proximity to the member's survivors or Blue Ash Police Department members (except for members who may be guarding the suspect).
- (c) Ensure that survivors receive timely updates regarding the member before information is released to others.
- (d) Arrange for survivors to have private time with the member, if requested.
 1. The Hospital Liaison or hospital personnel may need to explain the condition of the member to the survivors to prepare them accordingly.
 2. The Hospital Liaison should accompany the survivors into the room, if requested.
- (e) Stay with survivors and ensure that they are provided with other assistance as needed at the hospital.
- (f) If applicable, explain to the survivors why an autopsy may be needed.
- (g) Ensure hospital bills are directed to the Department, that the survivors are not asked to sign as guarantor of payment for any hospital treatment and that the member's residence address, insurance information and next of kin are not included on hospital paperwork.

Other responsibilities of the Hospital Liaison include, but are not limited to:

- Arranging transportation for the survivors back to their residence.
- Working with investigators to gather and preserve the deceased member's equipment and other items that may be of evidentiary value.
- Documenting his/her actions at the conclusion of his/her duties.

1022.6.3 SURVIVOR SUPPORT LIAISON

The Survivor Support Liaison should work with the Department Liaison to fulfill the immediate needs and requests of the survivors of any member who has died in the line of duty, and serve as the long-term department contact for survivors.

The Survivor Support Liaison should be selected by the deceased member's Bureau Commander. The following should be considered when selecting the Survivor Support Liaison:

- The liaison should be an individual the survivors know and with whom they are comfortable working.
- If the survivors have no preference, the selection may be made from names recommended by the deceased member's supervisor and/or coworkers. The

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deceased member's partner or close friends may not be the best selections for this assignment because the emotional connection to the member or survivors may impair their ability to conduct adequate liaison duties.

- The liaison must be willing to assume the assignment with an understanding of the emotional and time demands involved.

The responsibilities of the Survivor Support Liaison include but are not limited to:

- (a) Arranging for transportation of survivors to hospitals, places of worship, funeral homes, and other locations, as appropriate.
- (b) Communicating with the Department Liaison regarding appropriate security measures for the family residence, as needed.
- (c) If requested by the survivors, providing assistance with instituting methods of screening telephone calls made to their residence after the incident.
- (d) Providing assistance with travel and lodging arrangements for out-of-town survivors.
- (e) Returning the deceased member's personal effects from the Department and the hospital to the survivors. The following should be considered when returning the personal effects:
 1. Items should not be delivered to the survivors until they are ready to receive the items.
 2. Items not retained as evidence should be delivered in a clean, unmarked box.
 3. All clothing not retained as evidence should be cleaned and made presentable (e.g., items should be free of blood or other signs of the incident).
 4. The return of some personal effects may be delayed due to ongoing investigations.
- (f) Assisting with the return of department-issued equipment that may be at the deceased member's residence.
 1. Unless there are safety concerns, the return of the equipment should take place after the funeral at a time and in a manner considerate of the survivors' wishes.
- (g) Working with the Wellness Support Liaison to ensure that survivors have access to available counseling services.
- (h) Coordinating with the department's Public Information Officer (PIO) to brief the survivors on pending press releases related to the incident and to assist the survivors with media relations in accordance with their wishes (see the Public Information Officer section of this policy).
- (i) Briefing survivors on investigative processes related to the line-of-duty death, such as criminal, internal, and administrative investigations.
- (j) Informing survivors of any related criminal proceedings and accompanying them to such proceedings.
- (k) Introducing survivors to prosecutors, victim's assistance personnel, and other involved personnel as appropriate.

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- (l) Maintaining long-term contact with survivors and taking measures to sustain a supportive relationship (e.g., follow-up visits, phone calls, cards on special occasions, special support during holidays).
- (m) Inviting survivors to department activities, memorial services, or other functions as appropriate.

Survivor Support Liaisons providing services after an incident resulting in multiple members being killed should coordinate with and support each other through conference calls or meetings as necessary.

The Department recognizes that the duties of a Survivor Support Liaison will often affect regular assignments over many years, and is committed to supporting members in the assignment.

If needed, the Survivor Support Liaison should be issued a personal communication device (PCD) owned by the Department to facilitate communications necessary to the assignment. The department-issued PCD shall be used in accordance with the Personal Communication Devices Policy.

1022.6.4 WELLNESS SUPPORT LIAISON

The Wellness Support Liaison should work with the department wellness coordinator or the authorized designee and other liaisons and coordinators to make wellness support and counseling services available to members and survivors who are impacted by a line-of-duty death. The responsibilities of the Wellness Support Liaison include but are not limited to:

- (a) Identifying members who are likely to be significantly affected by the incident and may have an increased need for wellness support and counseling services, including:
 - 1. Members involved in the incident.
 - 2. Members who witnessed the incident.
 - 3. Members who worked closely with the deceased member but were not involved in the incident.
- (b) Ensuring that members who were involved in or witnessed the incident are relieved of department responsibilities until they can receive wellness support.
- (c) Ensuring that wellness support and counseling resources (e.g., peer support, Critical Incident Stress Debriefing) are available to members as soon as reasonably practicable following the line-of-duty death.
- (d) Coordinating with the Survivor Support Liaison to ensure survivors are aware of available wellness support and counseling services and assisting with arrangements as needed.
- (e) Following up with members and the Survivor Support Liaison in the months following the incident to determine if additional wellness support or counseling services are needed.

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1022.6.5 FUNERAL LIAISON

The Funeral Liaison should work with the Department Liaison, Survivor Support Liaison and survivors to coordinate funeral arrangements to the extent the survivors wish. The Funeral Liaison's responsibilities include, but are not limited to:

- (a) Assisting survivors in working with the funeral director regarding funeral arrangements and briefing them on law enforcement funeral procedures.
- (b) Completing funeral notification to other law enforcement agencies.
- (c) Coordinating the funeral activities of the Department, including, but not limited to the following:
 - (a) Honor Guard
 - 1. Casket watch
 - 2. Color guard
 - 3. Pallbearers
 - 4. Bell/rifle salute
 - (b) Bagpipers/bugler
 - (c) Uniform for burial
 - (d) Flag presentation
 - (e) Last radio call
- (d) Briefing the Chief of Police and command staff concerning funeral arrangements.
- (e) Assigning an officer to remain at the family home during the viewing and funeral.
- (f) Arranging for transportation of the survivors to and from the funeral home and interment site using department vehicles and drivers.

1022.6.6 MUTUAL AID COORDINATOR

The mutual aid coordinator should work with the Department Liaison and the Funeral Liaison to request and coordinate any assistance from outside law enforcement agencies needed for, but not limited to:

- (a) Traffic control during the deceased member's funeral.
- (b) Area coverage so that as many Blue Ash Police Department members can attend funeral services as possible.

The mutual aid coordinator should perform his/her duties in accordance with the Outside Agency Assistance Policy.

1022.6.7 BENEFITS LIAISON

The Benefits Liaison should provide survivors with information concerning available benefits and assist them in applying for benefits. Responsibilities of the Benefits Liaison include, but are not limited to:

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- (a) Confirming the filing of workers' compensation claims and related paperwork (see the Illness and Injury Reporting Policy).
- (b) Researching and assisting survivors with application for federal government survivor benefits, such as those offered through the:
 - 1. Public Safety Officers' Benefits (PSOB) Programs.
 - 2. Public Safety Officers' Educational Assistance (PSOEA) Program.
 - 3. Social Security Administration.
 - 4. Department of Veterans Affairs.
- (c) Researching and assisting survivors with application for state and local government survivor benefits.
 - 1. Survivor's benefit (ORC § 145.45)
 - 2. Death benefit (ORC § 742.63; ORC § 742.446)
 - 3. Education benefit (ORC § 3333.26)
 - 4. Volunteer Peace Officers' Dependents Fund (ORC § 143.09)
- (d) Researching and assisting survivors with application for other survivor benefits such as:
 - 1. Private foundation survivor benefits programs.
 - 2. Survivor scholarship programs.
- (e) Researching and informing survivors of support programs sponsored by police associations and other organizations.
- (f) Documenting and informing survivors of inquiries and interest regarding public donations to the survivors.
 - 1. If requested, working with the finance coordinator to assist survivors with establishing a process for the receipt of public donations.
- (g) Providing survivors with a summary of the nature and amount of benefits applied for, including the name of a contact person at each benefit office. Printed copies of the summary and benefit application documentation should be provided to affected survivors.
- (h) Maintaining contact with the survivors and assisting with subsequent benefit questions and processes as needed.

1022.6.8 FINANCE COORDINATOR

The finance coordinator should work with the Chief of Police and the Department Liaison to manage financial matters related to the line-of-duty death. The finance coordinator's responsibilities include, but are not limited to:

- (a) Establishing methods for purchasing and monitoring costs related to the incident.
- (b) Providing information on finance-related issues, such as:

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1. Paying survivors' travel costs if authorized.
 2. Transportation costs for the deceased.
 3. Funeral and memorial costs.
 4. Related funding or accounting questions and issues.
- (c) Working with the Benefits Liaison to establish a process for the receipt of public donations to the deceased member's survivors.
- (d) Providing accounting and cost information as needed.

1022.7 PUBLIC INFORMATION OFFICER

In the event of a line-of-duty death, the department's PIO should be the department's contact point for the media. As such, the PIO should coordinate with the Department Liaison to:

- (a) Collect and maintain the most current incident information and determine what information should be released.
- (b) Ensure that department members are instructed to direct any media inquiries to the PIO.
- (c) Prepare necessary press releases.
 1. Ensure coordination with other entities having media roles (e.g., outside agencies involved in the investigation or incident).
 2. Ensure that important public information is disseminated, such as information on how the public can show support for the Department and deceased member's survivors.
- (d) Arrange for community and media briefings by the Chief of Police or the authorized designee as appropriate.
- (e) Respond, or coordinate the response, to media inquiries.
- (f) If requested, assist the member's survivors with media inquiries.
 1. Brief the survivors on handling sensitive issues such as the types of questions that reasonably could jeopardize future legal proceedings.
- (g) Release information regarding memorial services and funeral arrangements to department members, other agencies and the media as appropriate.
- (h) If desired by the survivors, arrange for the recording of memorial and funeral services via photos and/or video.

The identity of deceased members should be withheld until the member's survivors have been notified. If the media has obtained identifying information for the deceased member prior to survivor notification, the PIO should request that the media withhold the information from release until proper notification can be made to survivors. The PIO should ensure that media are notified when survivor notifications have been made.

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1022.8 DEPARTMENT CHAPLAIN

The Department chaplain may serve a significant role in line-of-duty deaths. His/her duties may include, but are not limited to:

- Assisting with survivor notifications and assisting the survivors with counseling, emotional support or other matters, as appropriate.
- Assisting liaisons and coordinators with their assignments, as appropriate.
- Assisting department members with counseling or emotional support, as requested and appropriate.

Further information on the potential roles and responsibilities of the chaplain is in the Chaplains Policy.

1022.9 INVESTIGATION OF THE INCIDENT

The Chief of Police shall ensure that line-of-duty deaths are investigated thoroughly and may choose to use the investigation process outlined in the Officer-Involved Shootings and Deaths Policy.

Investigators from other agencies may be assigned to work on any criminal investigation related to line-of-duty deaths. Partners, close friends or personnel who worked closely with the deceased member should not have any investigative responsibilities because such relationships may impair the objectivity required for an impartial investigation of the incident.

Involved department members should be kept informed of the progress of the investigations and provide investigators with any information that may be pertinent to the investigations.

1022.10 LINE-OF-DUTY DEATH OF A LAW ENFORCEMENT ANIMAL

The Chief of Police may authorize appropriate memorial and funeral services for law enforcement animals killed in the line of duty.

1022.11 NON-LINE-OF-DUTY DEATH

The Chief of Police may authorize certain support services for the death of a member not occurring in the line of duty.

Wellness Program

1023.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance on establishing and maintaining a proactive wellness program for department members.

The wellness program is intended to be a holistic approach to a member's well-being and encompasses aspects such as physical fitness, mental health, and overall wellness.

Additional information on member wellness is provided in the:

- Chaplains Policy.
- Line-of-Duty Deaths Policy.
- Drug- and Alcohol-Free Workplace Policy.

1023.1.1 DEFINITIONS

Definitions related to this policy include:

Critical incident – An event or situation that may cause a strong emotional, cognitive, or physical reaction that has the potential to interfere with daily life.

Critical Incident Stress Debriefing (CISD) – A standardized approach using a discussion format to provide education, support, and emotional release opportunities for members involved in work-related critical incidents.

Peer support member – An active or retired officer, dispatcher, or civilian employee of the Department who has received the required basic peer support training and who provides support to individuals with similar life experiences (ORC § 2317.023).

Peer support services – Consultation, risk assessment, referral, or on-site intervention services provided by a peer support member to an individual experiencing psychological or physical symptoms caused by exposure to acute or chronic high stress incidents in the course of the individual's employment (ORC § 2317.023).

1023.2 POLICY

It is the policy of the Blue Ash Police Department to prioritize member wellness to foster fitness for duty and support a healthy quality of life for department members. The Department will maintain a wellness program that supports its members with proactive wellness resources, critical incident response, and follow-up support.

1023.3 WELLNESS COORDINATOR

The Chief of Police should appoint a trained wellness coordinator. The coordinator should report directly to the Chief of Police or the authorized designee and should collaborate with advisers (e.g., Human Resources Office, legal counsel, licensed psychotherapist, qualified health professionals), as appropriate, to fulfill the responsibilities of the position, including but not limited to:

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- (a) Identifying wellness support providers (e.g., licensed psychotherapists, external peer support providers, physical therapists, dietitians, physical fitness trainers holding accredited certifications).
 - 1. As appropriate, selected providers should be trained and experienced in providing mental wellness support and counseling to public safety personnel.
 - 2. When practicable, the Department should not use the same licensed psychotherapist for both member wellness support and fitness for duty evaluations.
- (b) Developing management and operational procedures for department peer support members, such as:
 - 1. Peer support member selection and retention.
 - 2. Training and applicable certification requirements.
 - 3. Deployment.
 - 4. Managing potential conflicts between peer support members and those seeking service.
 - 5. Monitoring and mitigating peer support member emotional fatigue (i.e., compassion fatigue) associated with providing peer support.
 - 6. Using qualified peer support personnel from other public safety agencies or outside organizations for department peer support, as appropriate.
- (c) Verifying members have reasonable access to peer support or licensed psychotherapist support.
- (d) Establishing procedures for CISDs, including:
 - 1. Defining the types of incidents that may initiate debriefings.
 - 2. Steps for organizing debriefings.
- (e) Facilitating the delivery of wellness information, training, and support through various methods appropriate for the situation (e.g., phone hotlines, electronic applications).
- (f) Verifying a confidential, appropriate, and timely Employee Assistance Program (EAP) is available for members. This also includes:
 - 1. Obtaining a written description of the program services.
 - 2. Providing for the methods to obtain program services.
 - 3. Providing referrals to the EAP for appropriate diagnosis, treatment, and follow-up resources.
 - 4. Obtaining written procedures and guidelines for referrals to, or mandatory participation in, the program.
 - 5. Obtaining training for supervisors in their role and responsibilities, and identification of member behaviors that would indicate the existence of member concerns, problems, or issues that could impact member job performance.

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- (g) Maintaining a roster of the names and training status of each peer support member consistent with the requirements of ORC § 4113.42.

1023.4 DEPARTMENT PEER SUPPORT

1023.4.1 PEER SUPPORT MEMBER SELECTION CRITERIA

The selection of a department peer support member will be at the discretion of the coordinator. Selection should be based on the member's:

- Desire to be a peer support member.
- Experience or tenure.
- Demonstrated ability as a positive role model.
- Ability to communicate and interact effectively.
- Evaluation by supervisors and any current peer support members.

1023.4.2 PEER SUPPORT MEMBER RESPONSIBILITIES

The responsibilities of department peer support members include (ORC § 2317.023):

- (a) Providing pre- and post-critical incident support.
- (b) Presenting department members with periodic training on wellness topics, including but not limited to:
 - 1. Stress management.
 - 2. Suicide prevention.
 - 3. How to access support resources.
- (c) Providing referrals to licensed psychotherapists and other resources, where appropriate.
 - 1. Referrals should be made to department-designated resources in situations that are beyond the scope of the peer support member's training.
- (d) Providing access to multiple resources for mental and physical support for officers and their families.

1023.4.3 PEER SUPPORT MEMBER TRAINING

A department peer support member shall complete department-approved initial and refresher training as required by ORC § 2317.023.

1023.5 CRITICAL INCIDENT STRESS DEBRIEFINGS

A Critical Incident Stress Debriefing should occur as soon as practicable following a critical incident. The coordinator is responsible for organizing the debriefing. Notes and recorded statements shall not be taken because the sole purpose of the debriefing is to help mitigate the stress-related effects of a critical incident.

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

Attendance at the debriefing should only include peer support members and/or critical incident stress management team members and those directly involved in the incident (ORC § 2317.02).

1023.5.1 CRITICAL INCIDENT STRESS MANAGEMENT TEAM MEMBER COMMUNICATIONS

Communications with a critical incident stress management team member made from a member receiving crisis response services or during a debriefing session are confidential and may not be disclosed except as allowed by ORC § 2317.02.

A critical incident stress management team member is an individual specially trained to provide crisis response services as a member of an organized community or local crisis response team that holds membership in the Ohio critical incident stress management network. Crisis response services are consultation, risk assessment, referral, and on-site crisis intervention services to members affected by a crisis or disaster (ORC § 2317.02).

1023.6 PEER SUPPORT COMMUNICATIONS

Communications between a peer support team member and a person receiving peer support services are confidential and may not be disclosed except as provided in ORC § 2317.023.

1023.7 PHYSICAL WELLNESS PROGRAM

The coordinator is responsible for establishing guidelines for any on-duty physical wellness program, including the following:

- (a) Voluntary participation by members
- (b) Allowable physical fitness activities
- (c) Permitted times and locations for physical fitness activities
- (d) Acceptable use of department-provided physical fitness facilities and equipment
- (e) Individual health screening and fitness assessment
- (f) Individual education (e.g., nutrition, sleep habits, proper exercise, injury prevention) and goal-setting
- (g) Standards for physical fitness incentive programs. The coordinator should collaborate with the appropriate entities (e.g., human resources, legal counsel) to verify that any standards are nondiscriminatory.
- (h) Maintenance of physical wellness logs (e.g., attendance, goals, standards, progress)
- (i) Ongoing support and evaluation

1023.8 WELLNESS PROGRAM REVIEW

At least annually, the coordinator or the authorized designee shall conduct an administrative review of the effectiveness of the department's wellness program and prepare a report

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summarizing the findings. The report shall not contain the names of members participating in the wellness program, and should include the following information:

- Data on the types of support services provided
- Wait times for support services
- Participant feedback, if available
- Program improvement recommendations
- Policy revision recommendations

The coordinator should present the completed administrative review to the Chief of Police for review and consideration of updates to improve program effectiveness.

1023.9 MEMBER FAMILY SUPPORT

Subject to available resources, the Department shall provide mental and physical support to members' families.

1023.10 TRAINING

The coordinator or the authorized designee should collaborate with the Administrative Lieutenant to provide all members with regular education and training on topics related to member physical and mental health and wellness, including but not limited to:

- The availability and range of department wellness support systems.
- Suicide prevention.
- Recognizing and managing mental distress, emotional fatigue, post-traumatic stress, and other possible reactions to trauma.
- Alcohol and substance disorder awareness.
- Countering sleep deprivation and physical fatigue.
- Anger management.
- Marriage and family wellness.
- Benefits of physical exercise and proper nutrition.
- Effective time and personal financial management skills.

Training materials, curriculum, and attendance records should be forwarded to the Administrative Lieutenant as appropriate for inclusion in training records.

Chapter 11 - General Orders

GENERAL ORDERS

1100.1 PURPOSE

The purpose of this section is to organize current General Orders. General Orders in effect on the date of publication of this manual are shown in Policy 1100.

1100.2 GO-15-003 HEROIN TASK FORCE COORDINATION

Purpose:

The purpose of this order is to aid the Opiate/Heroin Task Force of the Hamilton County Heroin Coalition in their investigation into the heroin epidemic in the Cincinnati area.

Background:

The Hamilton County Heroin Coalition began work on May 1, 2015. The Opiate/Heroin Task Force (OHTF) is staffed by law enforcement officers from across the county. OHTF investigators will respond to a fatal suspected opiate overdose when certain criteria are met.

Another key part of this effort is information sharing, which is coordinated by the Greater Cincinnati Fusion Center, which is responsible for tracking trends related to heroin use. Dispatcher Kevin Deye is our contact with the Fusion Center.

Order:

Officers investigating cases of suspected opiate overdoses will follow the Hamilton County Heroin Coalition Task Force's Law Enforcement Protocol, which is attached to this General Order.

Sergeants are responsible for ensuring that Disp. Deye is aware of reports pertaining to heroin-related arrests and overdoses that occur during shifts that they supervise. Disp. Deye is responsible for compiling this information and forwarding it To the Greater Cincinnati Fusion Center for analysis and distribution to the Heroin Task Force.

[See attachment: GO-15-003 Heroin Task Force 073015.pdf](#)

1100.3 GO-15-002 SUSPENSION OF ENFORCEMENT - HOTEL REGISTER INSPECTIONS

Purpose:

The purpose of this order is to protect the Department from potential civil liability.

Background:

On June 22, 2015, the United States Supreme Court issued a decision in the case of City of Los Angeles, California v. Patel, et al, 576 U.S. ____ (2015). The case involved Los Angeles Municipal Code ordinance that was similar to our 525.16 in that it required hotels to keep a register of guests and make it available for inspection to any LAPD officer at any time. The Court struck down the section requiring the register to be open for inspection saying that the

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hotel had a reasonable expectation of privacy in regards to the register and that the Los Angeles ordinance violated the Fourth Amendment. Blue Ash Codified Ordinance §525.16 is similar to the Los Angeles ordinance.

Order:

Effective immediately, officers will not issue minor misdemeanor citations for violations of Blue Ash Codified Ordinance §525.16(c).

The City Solicitor is reviewing §525.16 for possible amendment by City Council.

BACO §525.16 is attached and highlighted for reference.

Reference case:

City of Los Angeles, California v. Patel, et al, 576 U.S. ____ (2015)

[See attachment: GO-15-002 Suspension of Enforcement BACO 525.16\(c\).pdf](#)

1100.4 GO-21-002 LEAVE TIME LIMITS

Purpose:

The purpose of this order is to allow the Department to best manage our work schedule with the current and anticipated numbers of personnel available to us.

Orders:

General Order GO-19-003 is rescinded and replaced by this General Order.

For purposes of this order, "leave" does not include off days that adjoin days on which a member has taken leave. These off days do not count toward the leave limits nor are they protected from forced overtime.

Four patrol section officers are permitted leave at any one time.

Two full-time dispatchers are permitted leave at any one time. Effective immediately and until further notice only one dispatcher is permitted of on extended leave at any one time. For purposes of this order, extended leave will be defined as more than one day.

No sworn officers or dispatchers are permitted leave during the Independence Day holiday, beginning on July 3 at 2230 hrs and ending on July 5 at 0700 hrs.

[See attachment: GO-21-002 Leave Limits Signed.pdf](#)

1100.5 GO-21-001 OFF-DUTY DETAIL RATES

Purpose:

The purpose of this General Order is to set an hourly rate of pay for off-duty details paid by entities other than the City of Blue Ash.

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Orders:

Effective 1/1/2021, General Order GO-18-002 is rescinded.

Effective 1/1/2021, the off-duty detail hourly rate will be increased to \$50.00 per hour.*

Details will be quoted on a three-hour minimum.

All inquiries for off-duty details should be referred to the Administrative Sergeant or the Administrative Lieutenant. If the detail request is to cover an immediate need, the shift supervisor shall fill the detail if the Administrative Sergeant and the Administrative Lieutenant are unavailable. The shift supervisor shall notify the Administrative Lieutenant or the Administrative Sergeant of the detail through email or other written means.

*The Matthew 25 Ministries detail shall remain at the rate of \$45.00 per hour.

[See attachment: GO-21-001 Off-Duty Detail Rates.pdf](#)

1100.6 GO-11-003 ARRESTING CONCEALED CARRY LICENSE HOLDER

The concealed carry law passed in 2004 established the right to carry a concealed weapon and mandated that the issuance of such licenses be the responsibility of the Sheriff's Offices. The law provides that Sheriff's Offices are the only agency that can suspend, deny or revoke a concealed carry license. The Hamilton County Sheriff's Office has learned that in some cases, persons who have a concealed carry license are being arrested, cited to court and convicted, but the issuing Sheriff's Office has not been notified. This General Order serves to guide officers in their responsibilities within Hamilton County upon arresting persons who are licensed by a Sheriff's Office to carry concealed firearms in Ohio.

ARREST DISQUALIFIERS

The following is a list of crimes the arrest for which will result in a suspended concealed carry license:

- (1) Any felony
- (2) Any drug offense (except minor misdemeanor)
- (3) Misdemeanor offense of violence
- (4) Negligent assault
- (5) Falsification to obtain Concealed Carry license
- (6) Possession of a revoked or suspended Concealed Carry license
- (7) Conspiracy or attempt to commit, or complicity in committing, any of the above offenses

ARRESTING OFFICER'S RESPONSIBILITIES

If the licensee is arrested and cited without processing through the Hamilton County Justice Center for any of the offenses listed above, the officer must do the following:

- (1) Send a Notice of Suspension to the Sheriff's Office issuing the license. For licenses issued by the Hamilton County Sheriff's Office, please send the Notice of Suspension to the Records Division along with a copy of the arrest report. If a physical arrest, original arrest report goes to

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jail intake, however, original Notice of Suspension goes to the Records Division. This notice of suspension should be sent via TTY to CWU1, and a copy of TTY and arrest report must be faxed to 513-946-6211. The Records Division is staffed Monday through Friday from 7:00 am until 11:00 pm. After hour messages will be handled on next business day.

(2) Seize the concealed weapon and the CCW license, tag as evidence separately and log them into the Blue Ash Police property room.

(3) The property custodian shall mail (certified – return receipt) or deliver the concealed carry license itself to the issuing Sheriff's Office (that Sheriff's Office will thereafter send a certified letter to the license holder notifying of the license suspension). If the licensee is arrested and processed through the Hamilton County Justice Center, the duties as listed above will be performed by the Hamilton County Sheriff's Office personnel, except that the concealed weapon will still be logged into the Blue Ash Police property room. Please be aware that these guidelines apply whether the license is issued by Hamilton County or another county within Ohio.

See attachment: [GO 11-003 Arresting Concealed Carry License Holder.pdf](#)

1100.7 GO-07-001 CITATIONS TO MAYOR'S COURT

In order to better facilitate efficient operations of the police department, officers will cite all adult misdemeanor and traffic offenses to the Blue Ash Mayor's Court when there is an applicable ordinance in the Blue Ash Municipal Code, unless directed otherwise by a supervisor.

Exceptions to this order are traffic citations for OMVI and Driving Under Suspension, which must be cited to the Hamilton County Municipal Court.

See attachment: [GO-23-003 Mayors Court Citations Signed.pdf](#)

1100.8 DRUG SURRENDER UNDER ORDER OF IMMUNITY

Purpose:

The purpose of this General Order is to address department procedures in response to Hamilton County Common Pleas ruling granting immunity to individuals turning in drugs (see attached).

The Blue Ash Police Department wishes to cooperate with community wide efforts to reduce heroin overdoses and give addicted persons an option for treatment for their addiction other than arrest and incarceration.

Orders:

Effective September 8, 2016, the police department will accept any substance or combination of substances said person believes may cause the user of said drug to have an overdose. Police Officers will take possession of the drugs from the individual and complete a PAMET report under the incident type code heading "Property Detail" and statute code on the IBR screen 0100.22 – DRUG SURRENDER UNDER ORDER OF IMMUNITY (M161126). Officers may conduct an investigation concerning the drugs, the source of the drugs and other helpful inquiries by soliciting information from the individual, however, the individual shall not be compelled to answer questions and should not be taken into custody for this purpose. Any investigative information received from

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the individual should be documented on a separate CIB to ensure anonymity for the individual. The reporting officer should advise the individual about resources for addiction recovery services and other resources for their addiction and general health and wellbeing, and should document this on the report. Officers should ensure that the individual does not need further medical assistance at the time of the report and may notify the BAFD medics if needed. Officers will handle the drugs with great care using proper personal protective equipment to reduce or eliminate contamination of themselves or others, and shall place the confiscate drug into property using normal evidence handling procedures and techniques as described in Blue Ash Police Department Policy. The drug does not need to be sent to the lab for testing unless the officer feels there is unusual circumstances and has reason to believe further testing is necessary (The Hamilton County Coroner's Office laboratory will not test any drug products that are not associated with a criminal case). If the drug is not going to be tested it should be labeled "Okay To Be Destroyed" and will be disposed of through normal procedures. The Police Department Property Room Technician should be notified via email that the drugs are to be destroyed. Officers shall contact the Hamilton County Prosecutor's Office and the Hamilton County Heroin Task Force to make them aware of the report.

This isn't limited to heroin; any non-prescription controlled substance turned in – e.g. heroin, cocaine, meth, LSD, marijuana is covered. The immunity only applies to people actually appearing at a police station to turn in drugs. It does not apply to people caught with drugs on them who say they were about to, or planning on turning them in to law enforcement.

[See attachment: Heroin Immunity Order B 9-8-16.pdf](#)

1100.9 GO-18-001 STAFFING LEVELS OF PATROL SECTION

Purpose:

The purpose of this order is to state the Department's current position regarding staffing levels for the Patrol Section.

Orders:

General Order GO-09-006 is rescinded. Minimum staffing level guidelines for the Patrol Bureau are as follows:

• First Shift:

- Monday thru Friday 0630 - 1500 hrs: 3 Patrol Officers, 1 Sergeant
- Saturday and Sunday, 0630 - 1500 hrs: 2 Patrol Officers, 1 Sergeant

• Second Shift:

- Monday thru Friday 1430 - 2300 hrs: 3 Patrol Officers, 1 Sergeant
- Saturday 1430 - 1830 hrs: 2 Patrol Officers, 1 Sergeant
- Saturday 1830 - 2300 hrs: 3 Patrol Officers, 1 Sergeant
- Sunday 1430 - 2300 hrs: 2 Patrol Officers, 1 Sergeant

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- Third Shift:

- Monday thru Saturday 2230 - 0300 hrs: 3 Patrol Officers, 1 Sergeant
- Monday thru Saturday 0300 - 0700 hrs: 2 Patrol Officers, 1 Sergeant
- Sunday 2230 - 0700 hrs: 2 Patrol Officers, 1 Sergeant

Shifts that fall on these days will be staffed with a minimum of 3 Patrol Officers and 1 Sergeant:

- Memorial Day weekend (Friday through Monday)
- Independence Day (and through the adjoining weekend, if it falls on Friday through Monday)
- Labor Day weekend (Friday through Monday)
- Summit Fest

The above days of the week for Third Shift indicate the day that the shift begins on.

Lieutenants are authorized to make adjustments to staffing levels to meet operational needs.

[See attachment: GO-18-001 Staffing Levels of Patrol Section.pdf](#)

1100.10 GO-21-004 OFF-DUTY DETAIL RATES FOR 2022

Purpose:

The purpose of this General Order is to update the hourly rate of pay for off-duty details that are paid by entities other than the City of Blue Ash.

Orders:

Effective 1/1/2022:

- General Order GO-21-001 is rescinded.
- The rate for the Matthew 25 Ministries detail shall be \$50.00 per hour.
- The rate for details that do not require traffic control services shall be \$55.00 per hour.
- The rate for details that require an officer to control vehicular traffic upon a roadway and/or into or out of a parking lot shall be \$60.00 per hour.
- Details will be quoted at a three-hour minimum.

All inquiries for off-duty details should be referred to the Administrative Sergeant or the Administrative Lieutenant. If the detail request is for an immediate need, the shift supervisor should fill the detail if the Administrative Sergeant and Administrative Lieutenant are unavailable. The shift supervisor should then notify the Administrative Sergeant of the detail by email or other written means.

[See attachment: GO-21-004 Off-Duty Detail Rates for 2022.pdf](#)

Blue Ash Police Department

Blue Ash PD Policy Manual

Blue Ash PD Policy Manual

GENERAL ORDERS

1100.11 GO-23-001 LEAVE LIMITS

Text of General Order.

Purpose:

The purpose of this order is to allow the Department to best manage our work schedule with the current and anticipated numbers of personnel available to us.

Orders:

General Order GO-21--002 is rescinded to account for the 2023 12-hour Shift MOU and replaced by this General Order.

For purposes of this order, "leave" does not include off days that adjoin days on which a member has taken leave. These off days do not count toward the leave limits nor are they protected from forced overtime.

Two patrol section officers are permitted leave, per day, per shift. No more than four patrol section officers are permitted leave per day.

Two full-time dispatchers are permitted leave at any one time. Effective immediately and until further notice only one dispatcher is permitted off on extended leave at any one time. For purposes of this order, extended leave will be defined as more than one day.

No sworn officers or dispatchers are permitted leave during the Independence Day holiday, beginning on July 3 at 2300 hours and ending on July 5th at 0700 hours.

[See attachment: GO-23-001 Leave Time Limits \(Signed\).pdf](#)

1100.12 GO-23-002 STAFFING LEVELS OF PATROL SECTION

Purpose:

The purpose of this order is to state the Department's current position regarding staffing levels for the Patrol Section.

Orders:

General Order GO-19-002 is rescinded to account for the 2023 12-hour Shift MOU.

Minimum staffing level guidelines for the Patrol Bureau are as follows:

- Day Shift: Monday through Saturday 0700 – 1900 hours: 3 Patrol Officers, 1 Sergeant
Sunday 0700 – 1900 hours: 2 Patrol Officers, 1 Sergeant
- Night Shift: Monday through Saturday 1900 – 0300 hours: 3 Patrol Officers, 1 Sergeant
Monday through Saturday 0300 – 0700 hours: 2 Patrol Officers, 1 Sergeant
Sunday 1900 – 0700 hours: 2 Patrol Officers, 1 Sergeant

Shifts that fall on these days will be staffed with a minimum of 3 Patrol Officers and 1 Sergeant:

- Memorial Day weekend (Friday through Monday)
- Independence Day (and through the adjoining weekend, if it falls on Friday through Monday)

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GENERAL ORDERS

o Minimum staffing levels for the time-period of July 4 at 1500 hours through July 5 at 0300 hours shall be four Patrol Officers and one Sergeant.

- Labor Day weekend (Friday through Monday)
- SummitFest

The above days of the week for Night Shift indicate the day that the shift begins.

Lieutenants and Captains have authority to adjust staffing levels to meet operational needs.

[See attachment: GO-23-002 Staffing Levels of Patrol Section \(Signed\).pdf](#)

Blue Ash PD Policy Manual

Blue Ash PD Policy Manual

Attachments

Mutual Aid 2013.pdf

HAMILTON COUNTY, OHIO
AMENDED AND RESTATED MUTUAL AID AGREEMENT FOR LAW
ENFORCEMENT

This agreement ("Agreement") is made and entered into by the undersigned parties as follows:

WHEREAS, Revised Code Section 737.04 allows the legislative authority of any municipal corporation to enter into contracts with one or more municipal corporations, townships, township police districts, county sheriffs, park districts, port authorities, or contiguous municipal corporations in an adjoining state, for the purpose of obtaining police protection or additional police protection, or to allow its police officers to work in multi-jurisdictional drug, gang, or career criminal task forces, upon any terms that are agreed for services of police departments, the use of police equipment, or the interchange of services of police departments or police equipment within the territories of the political subdivisions; and

WHEREAS, further authority for the participation of townships is set forth in Revised Code Sections 505.43 and 505.431, further authority for the participation of park districts is set forth in Revised Code Sections 511.235 and 1545.131, and further authority for the participation of universities is set forth in Revised Code Section 3345.041 and 1713.50; and

WHEREAS, the undersigned parties intend to provide reciprocal police services across jurisdictional lines, consistent with the foregoing statutes, to enhance the capabilities of law enforcement for the protection of citizens and property throughout Hamilton County; and

WHEREAS, the undersigned parties intend to provide and exchange the full array of police services with any or all other parties without limitation, but generally in accord with the following guidelines; and

WHEREAS, the undersigned parties (individually, "Agency" and collectively, "Agencies") include the following participating jurisdictions: Hamilton County, Ohio; the City of Cincinnati; the Village of Addyston; the Village of Amberley Village; the Village of Arlington Heights; the City of Blue Ash; the City of Cheviot; the Village of Cleves; the City of Deer Park; the Village of Elmwood Place; the Village of Evendale; the Village of Fairfax; the City of Forest Park; the Village of Glendale; the Village of Golf Manor; the Village of Greenhills; the City of Harrison; the City of the Village of Indian Hill; the City of Lincoln Heights; the Village of Lockland; the City of Loveland; the City of Madeira; the Village of Mariemont; the City of Milford; the City of Montgomery; the City of Mt. Healthy; the Village of Newtown; the Village of North Bend; the City of North College Hill; the City of Norwood; the City of Reading; the City of Sharonville; the Village of St. Bernard; the Village of Silverton; the City of Springdale; the Village of Terrace Park; the Village of Woodlawn; the City of Wyoming; Anderson Township; Colerain Township; Columbia Township; Crosby Township; Delhi Township; Green Township; Harrison Township; Miami Township; Springfield Township; Sycamore Township; Symmes Township; Whitewater Township; Great Parks of Hamilton County; Cincinnati State Technical and Community College; College of Mt. St. Joseph; the University of Cincinnati; Xavier University; and Summit Behavioral Police .

NOW, THEREFORE, in consideration of the mutual covenants contained herein, and other good and valuable consideration, the sufficiency of which is hereby acknowledged, the parties agree as follows:

I. COOPERATIVE LAW ENFORCEMENT WITHOUT REQUEST

The Agencies recognize that criminal activities routinely occur across jurisdictional lines, and that cooperation between Agencies can increase the effectiveness of law enforcement throughout

Hamilton County. Any Agency may proceed without request from a cooperating Agency generally according to the following guidelines:

A. In-Progress Crime Assistance Without Request

1. Whenever an on-duty law enforcement officer from one jurisdiction views or otherwise has probable cause to believe a criminal offense has occurred outside the officer's home jurisdiction but within the jurisdiction of a cooperating Agency, the officer may make arrests according to law and take any measures necessary to preserve the crime scene. Control of any arrested persons, evidence and the crime scene shall be relinquished to the first available officer from the jurisdiction within which the crime took place. The arresting officer may transport or relocate any arrested persons or evidence if the officer determines that remaining at the crime scene could endanger the officer or others, or threaten the preservation of evidence.

2. Whenever an on-duty law enforcement officer from one jurisdiction views or otherwise has probable cause to believe that a "serious traffic offense" has occurred within the jurisdiction of another cooperating Agency, the law enforcement officer may stop, arrest or cite the suspected violator according to law. Under this Agreement, a "serious traffic offense" is one which jeopardizes public safety and/or constitutes a misdemeanor of the fourth degree or a higher offense. The traffic violator shall be turned over to the first available officer from the cooperating Agency for completion of all necessary processing. The initiating officer shall provide any further assistance to the extent necessary for subsequent court proceedings.

B. Investigations Outside Original Jurisdiction

On-duty officers from one Agency may, without request or prior notice, continue to conduct investigations that originate within their home jurisdiction into the jurisdiction of any cooperating Agency. If enforcement action is anticipated, the location and nature of the investigation shall be

reported to the appropriate cooperating Agency as soon as practicable. Subsequent arrests, search warrant service or similar police actions shall be coordinated between affected Agencies.

C. Independent Police Action

The police department of any cooperating Agency may provide temporary police service to any cooperating Agency without request.

II. COOPERATIVE LAW ENFORCEMENT UPON REQUEST

The Agencies recognize that special public safety incidents occasionally require the services of additional law enforcement personnel. Such additional services may be provided by or to any cooperating Agency generally according to the following guidelines:

A. Dangerous Criminal Activity

Whenever one Agency reports criminal activity, and that Agency is unable to provide the immediate response necessary to prevent death, serious physical harm or substantial property loss as a result of such criminal activity, the Agency may request police services of any nature from any other Agency.

B. Searches for Fugitive or Wanted Person

Whenever one Agency conducts a search for a fugitive person whose presence is reasonably believed to be within the Agency jurisdiction, and immediate police assistance is reasonably necessary to apprehend or prevent the escape of the fugitive or to protect the safety of persons and property from imminent danger related to the fugitive, the Agency may request police services from any other Agency.

C. Traffic Control Assistance

1. Whenever a traffic accident involving suspected injuries, operating a vehicle while impaired (“OVI”) or other serious traffic offense is reported to the jurisdiction in which the accident occurred, and the Agency is unable to provide the immediate response necessary to render aid to the

injured, prevent further injury, prevent serious property loss, or arrest a suspected OVI violator, the Agency may request assistance from any other Agency. The cooperative effort may include necessary first aid, traffic control, accident scene protection, property protection, and detention of any suspected OVI or serious traffic violator.

2. Hazardous Traffic Conditions Assistance

- a. Whenever automated traffic control devices located within the jurisdictional boundaries of one Agency have malfunctioned and there is substantial or other serious risk of a traffic accident unless control is re-established, assistance from another cooperating Agency may be provided upon request of the affected jurisdiction.
- b. Whenever an incident occurs on or near a roadway creating substantial or other serious risk of a traffic accident, assistance from a cooperating Agency may be provided upon request of the affected jurisdiction.

D. General Police Service

1. Any incident may form the basis for the request of police services from one or more cooperating Agencies when police assistance is reasonably necessary to protect the safety of persons and/or property.
2. Police services, including but not limited to routine patrol services, may be requested and supplied by cooperating Agencies for limited-time special events or for extended time periods based on need. Such services may include the facilitation of personnel by their employing Agency for the provision of police protection to a requesting Agency for voluntary, special event details performed while such personnel are not on duty for the employing Agency ("Off-Duty Details"). No Agency is required to facilitate

or otherwise provide volunteer personnel for Off-Duty Details. Moreover, any Agency may prohibit its personnel from engaging in such Off-Duty Details to the extent allowed by law.

III. GENERAL TERMS AND PROCEDURES

A. A request for police services may be made by the commander of the law enforcement Agency, or his designee. The designee must be of supervisory rank or the senior shift officer when no supervisor is present.

B. A cooperating Agency will respond to the extent the requested personnel and equipment are not required for the adequate protection of that Agency's jurisdiction. The commander of the law enforcement Agency, or his designee, shall have the sole authority to determine the amount of personnel and equipment, if any, available for assistance.

C. Whenever employees of one cooperating Agency provide police services in or to another cooperating Agency pursuant to the authority set forth in this Agreement, other legislative authority, or state law, such employees shall have the same powers, duties, rights and immunities as if taking action within the territory of their employing Agency. Revised Code Chapter 2744 shall apply to the extent specified in Revised Code Section 737.04 or as otherwise provided by law. Moreover, participation in any indemnity fund established by the employer, and all rights under Revised Code Chapter 4123, shall apply to the extent set forth in Revised Code Sections 505.431 and 737.04, or as otherwise provided by law. Revised Code Chapter 2743 shall apply as provided by law.

D. Whenever employees of one cooperating Agency provide police services to another cooperating Agency, they shall be under the lawful direction and authority of the commanding law enforcement officer of the Agency to which they are rendering assistance, provided, however, that

Officers shall be subject to the code of ethics, policies, and rules and regulations of their employing Agency at all times.

E. Police services may be initiated by any on-duty officer who has probable cause to believe a crime is in progress. Such police services may also be initiated by any on-duty officer who becomes aware of a traffic accident, the need for traffic control, a suspected OVI, a serious traffic violator or other circumstance requiring law enforcement intervention in another cooperating Agency jurisdiction. The officer must, as soon as practicable, contact his immediate supervisor to enable that supervisor to authorize and direct actions taken by the employee.

F. An on-duty officer initiating police services shall notify a law enforcement officer from the affected cooperating Agency as soon as possible. As appropriate, the assisted cooperating Agency shall relieve the officer as soon as possible.

G. All wage and disability payments, pension, worker's compensation claims, medical expenses or other employment benefits for employees performing pursuant to this Agreement shall be the responsibility of the employing Agency to the same extent as if the employee were providing service for the employing agency. Additionally, unless otherwise provided in this Agreement, each Agency shall be responsible for the negligence or wrongdoing of its employees to the extent provided by law. Unless otherwise specifically provided herein, nothing in this Agreement shall impose any greater duty or obligation on an employing agency than provided by law, including as to Off-Duty Details.

H. Each cooperating Agency shall be responsible for any costs arising from responding to a call for assistance, unless the requesting Agency is reimbursed for such costs from another source. Further, in the event of loss of or damage to the Agency's equipment or property while providing police assistance services within the jurisdiction of any other cooperating Agency, the

assisting Agency shall not seek to hold the requesting Agency accountable on the basis of the request, but may do so if any other actions of the requesting Agency or its employees caused the loss or damage.

IV. SPECIALIZED LAW ENFORCEMENT OPERATIONS

A. In addition to the law enforcement services described above, parties to this Agreement may request Specialized Law Enforcement Operations, defined as a Special Weapons and Tactics Team ("SWAT"), underwater search and recovery operations, or any other operation involving a task force, multi-jurisdictional team, or substantially similar operation of a specialized or unique nature.

B. As used in this Section IV, "Initiating Agency" means the political subdivision requesting Specialized Law Enforcement Operations, and "Assisting Agency" means any political subdivision furnishing Specialized Law Enforcement Operations (including participating personnel) at the request of an Initiating Agency.

C. An Assisting Agency will respond to the extent the requested Specialized Law Enforcement Operations are appropriate under the circumstances, and to the extent the requested Specialized Law Enforcement Operations are available and not required for other use.

D. The Initiating Agency shall be in control of the scene, but, as to tactical or operational execution, all Specialized Law Enforcement Operations personnel shall be directed by their operational commander according to the procedures set forth by the responding Specialized Law Enforcement Operation.

E. Notwithstanding any other provision of this Agreement, and only as to Specialized Law Enforcement Operations, to the extent that any third party asserts a claim of any kind against

any Assisting Agency or its participating personnel, whether under Ohio Revised Code Chapter 2744, common law, or any other state or federal statute, the following shall apply:

1. The Initiating Agency shall, to the extent of its liability insurance (including but not limited to any self-insurance or risk pool participation), defend and indemnify any Assisting Agency and its personnel against any claim, loss, damage, expense, cost, attorney fees, or other liability asserted by any third party arising out of the conduct, acts or omissions of personnel engaged in Specialized Law Enforcement Operations. The minimum amount of indemnification provided pursuant to this Paragraph shall be three million dollars (\$3,000,000), regardless of the actual liability insurance limits of the Initiating Agency. The Initiating Agency, however, shall not have any obligation to defend or indemnify the Assisting Agency or its personnel to the extent they act outside the scope of lawful orders issued by the Initiating Agency or its designee, or to the extent that the Assisting Agency or its personnel willfully and maliciously cause injury or damage to person or property.
2. For purposes of Paragraph IV.E.1, the conduct, acts, or omissions for which the Initiating Agency assumes the obligation to defend and indemnify the Assisting Agency or its personnel are the conduct, acts, or omissions that occur from the time the applicable Specialized Law Enforcement Operations personnel arrive at the requested location and report to the Initiating Agency's Chief of Police or other Officer-in-Charge (collectively, "OIC"), until the time the personnel are dismissed by the Initiating Agency's OIC.

3. Before requesting Specialized Law Enforcement Operations, an Initiating Agency must have in full force and effect liability insurance sufficient to defend and indemnify any Assisting Agency and its personnel under this Agreement in an amount no less than three million dollars (\$3,000,000) per occurrence, regardless of any aggregate limit, or self-insurance.
4. As a condition of the obligations set forth in Paragraph IV.B.1 above, the Assisting Agency must provide prompt written notice to the Initiating Agency of any threatened or asserted third-party claim, including any lawsuit served so that a timely answer may be filed.
5. In the event of any third party claim against an Assisting Agency or its personnel, the Assisting Agency and its personnel shall, as a condition of receiving defense and indemnification provide their full cooperation to any Initiating Agency or its insurer assuming the defense of such claim or action.

V. ADDITIONAL PROVISIONS

A. This Agreement shall be in continuous effect for each participating Agency from the date of that Agency's execution of the Agreement. Any Agency may terminate its participation in this Agreement upon sixty (60) days written notice sent care of the Reading Police Department. Upon receipt of such notice, the Reading Police Department will notify the remaining participants, or cause them to be notified, of such termination.

B. This Agreement is solely intended to set forth certain arrangements for the provision of mutual aid where practicable. Therefore, the parties do not intend for any third party to rely on the provisions of this Agreement, and specifically disclaim intent to create any third party beneficiary with rights under the Agreement. Moreover, there shall be no liability whatsoever upon

any Agency arising out of this Agreement, whether to other Agencies, third parties, or otherwise, for the Agency's failure to fully or partially respond to a call for assistance, whether due to the Agency's equipment and/or employees being otherwise engaged, exigent circumstances, or for any other reason.

C. This Agreement may be modified or amended only by a written agreement duly executed by the parties hereto or their representatives.

D. This Agreement contains the entire agreement between the parties as to the matters contained herein. Any oral representations or modifications concerning this agreement shall be of no force and effect.

E. This Agreement shall be severable, if any part or parts of this Agreement shall for any reason be held invalid or unenforceable by a court of competent jurisdiction, all remaining parts shall remain binding and in full force and effect.

F. The Reading Police Department shall serve as the depository for this Agreement unless otherwise agreed by the parties in writing or by custom and practice.

G. Parties may be added or deleted from this Agreement, and other terms may be modified, by written addendum without restating the entire Agreement.

H. This Agreement may be executed in counterparts.

I. This Agreement supersedes and replaces all prior versions of the Hamilton County, Ohio Mutual Aid Agreement for Law Enforcement, which are hereby terminated; provided, however that as to any incident which occurred during the term of such prior version, and which arose out of Specialized Law Enforcement Operations, the provisions of the former Section IV.B.1 through 7 shall apply to that incident only.

Only signatures to follow.

Executing Agency: _____

By: _____

Printed Name: _____

Its: _____

Date: _____

**CERTIFICATE OF MAINTENANCE OF INSURANCE IN AMOUNTS SUFFICIENT
TO FUND INDEMNIFICATION REQUIRED BY THIS AGREEMENT**

I certify that _____, currently holds in full force and effect and will maintain general liability insurance in amounts equal to or exceeding Three Million Dollars (\$3,000,000.00) per occurrence, regardless of any aggregate limit or self-insurance, which amount will fund the indemnification requirements of this Agreement.

Fiscal Officer

GO 09-006 Staffing Levels of Patrol Section.pdf



**BLUE ASH, OHIO
POLICE DEPARTMENT**

DATE OF ISSUE:

12/17/2009

EFFECTIVE DATE:

12/21/2009

NO.

GO-09-006

GENERAL ORDER

STAFFING LEVELS OF PATROL SECTION

TIME PERIOD IN EFFECT

UNTIL FURTHER NOTICE

DIRECTED TO:

ALL POLICE DEPARTMENT PERSONNEL

ATTACHMENT(S):

☐ YES ☒ NO

Purpose:

The purpose of this order is to restate the Department's current position regarding staffing levels for the Patrol Section.

Orders:

General Order GO-09-005 is rescinded.

Minimum staffing level guidelines for the Patrol Section of the Operations Bureau are as follows:

- First Shift: Monday thru Friday 06:30 hrs. to 15:00 hrs. – Three Patrol Officers and a Supervisor
Saturday thru Sunday 06:30 to 15:00 hrs. – Two Patrol Officers and a Supervisor
- Second Shift: Monday thru Friday 14:30 hrs. to 23:00 hrs. - Three Patrol Officers and a Supervisor
Saturday 14:30 hrs. to 18:30 hrs. – Two Patrol Officers and a Supervisor
Saturday 18:30 hrs. to 23:00 hrs. – Three Patrol Officers and a Supervisor
Sunday 14:30 hrs. to 23:00 hrs. – Two Patrol Officers and a Supervisor
- Third Shift: Monday thru Saturday 22:30 hrs. to 03:00 hrs. - Three Patrol Officers and a Supervisor
Monday thru Saturday 03:00 hrs. to 07:00 hrs. – Two Patrol Officers and a Supervisor
Sunday 22:30 hrs. to 07:00 hrs. – Two Patrol Officers and a Supervisor

The above days of the week for Third Shift indicate the day that the shift begins on.

Command level Supervisors are authorized to make adjustments to staffing levels to meet operational needs.

By Order Of:

Chris D. Wallace - Chief of Police

12-22-09

Date

**GO 11-003 Arresting Concealed
Carry License Holder.pdf**

BLUE ASH OHIO POLICE DEPARTMENT

DATE OF ISSUE:

06/30/2011

EFFECTIVE DATE:

07/01/2011

NO.

GO-11-003

GENERAL ORDER

ARRESTING CONCEALED CARRY LICENSE HOLDER

TIME PERIOD IN EFFECT

UNTIL FURTHER NOTICE

DIRECTED TO:

ALL POLICE DEPARTMENT PERSONNEL

ATTACHMENT(S):

☐ YES ☒ NO

The concealed carry law passed in 2004 established the right to carry a concealed weapon and mandated that the issuance of such licenses be the responsibility of the Sheriff's Offices. The law provides that Sheriff's Offices are the only agency that can suspend, deny or revoke a concealed carry license. The Hamilton County Sheriff's Office has learned that in some cases, persons who have a concealed carry license are being arrested, cited to court and convicted, but the issuing Sheriff's Office has not been notified. This General Order serves to guide officers in their responsibilities within Hamilton County upon arresting persons who are licensed by a Sheriff's Office to carry concealed firearms in Ohio.

ARREST DISQUALIFIERS

The following is a list of crimes the arrest for which will result in a suspended concealed carry license:

ARREST DISQUALIFIERS

- (1) Any felony
- (2) Any drug offense (except minor misdemeanor)
- (3) Misdemeanor offense of violence
- (4) Negligent assault
- (5) Falsification to obtain Concealed Carry license
- (6) Possession of a revoked or suspended Concealed Carry license
- (7) Conspiracy or attempt to commit, or complicity in committing, any of the above offenses

ARRESTING OFFICER'S RESPONSIBILITIES

If the licensee is arrested *and cited without processing through the Hamilton County Justice Center* for any of the offenses listed above, the officer must do the following:

- (1) Send a Notice of Suspension to the Sheriff's Office issuing the license. For licenses issued by the Hamilton County Sheriff's Office, please send the Notice of Suspension to the Records Division along with a copy of the arrest report. If a physical arrest, original arrest report goes to jail intake, however, original Notice of Suspension goes to the Records Division. This notice of suspension should be sent via TTY to CWU1, and a copy of TTY and arrest report must be faxed to 513-946-6211. The Records Division is staffed Monday through Friday from 7:00 am until 11:00 pm. After hour messages will be handled on next business day.
- (2) Seize the concealed weapon and the CCW license, tag as evidence separately and log them into to the Blue Ash Police property room.
- (3) The property custodian shall mail (certified – return receipt) or deliver the concealed carry license itself to the issuing Sheriff's Office (that Sheriff's Office will thereafter send a certified letter to the license holder notifying of the license suspension).

If the licensee is arrested *and processed through the Hamilton County Justice Center*, the duties as listed above will be performed by the Hamilton County Sheriff's Office personnel, *except* that the concealed weapon will still be logged into the Blue Ash Police property room.

Please be aware that these guidelines apply whether the license is issued by Hamilton County or another county within Ohio.

By Order Of:


Chris D. Wallace - Chief of Police

06/30/2011

Date

0614_001.pdf



CITY OF BLUE ASH

POLICE DEPARTMENT

Interdepartmental
Memorandum

May 20, 2014

To: Chief Paul Hartinger

From: Lieutenant Steve Schueler 

Copies: P.O. Bill Fritts, Sgt. Rob Gerhardt

Subject: Proposal for Departmental Awards

As you know, P.O. Fritts and Sgt. Gerhardt recently spent some time designing a standardized awards program that is presented to you in this memo.

Currently, we have a haphazard method of displaying our awards on our uniforms. This proposal outlines the new awards and the standardized method of displaying them.

The proposed awards and corresponding commendation bars are as follows (ranked in order of display priority):

Medal of Honor



REMOVED

The Medal of Honor (red/silver bar) is awarded for individual acts of extraordinary bravery intelligently performed in the line of duty and presenting and imminent danger to the officer's life. Acts of gallantry and valor which qualify for this medal should be performed with knowledge of the risk involved and should be above and beyond the call of duty.

Medal of Valor



The Medal of Valor (blue/silver bar) is awarded for acts of personal bravery intelligently performed in the line of duty at imminent personal hazard to life under circumstances evincing a disregard of personal consequences. Officers previously awarded a medal of valor would wear this replacement instead of the pin currently in use.

Police Combat Medal



The Police Combat Medal (red/silver/blue bar) is awarded to officers who have successfully and intelligently performed an act of extraordinary heroism while engaged in personal combat with an armed adversary under circumstances of imminent personal hazard to life.

Purple Heart Medal



REMOVED

The Purple Heart Medal (purple bar with white tips) is awarded to officers who have sustained a traumatic physical injury during an on-duty tactical situation, and posthumously to the next-of-kin in the name of an officer killed or who died of injuries sustained in the line of duty.

Meritorious Police Service Commendation for Courage



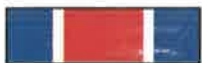
The Meritorious Police Service Commendation for Courage (blue bar with silver tips) is awarded for an act of bravery intelligently performed involving personal risk to life or for another life-saving act. This is awarded in conjunction with a Recognition of Meritorious Service letter.

Meritorious Police Service Commendation for Integrity



The Meritorious Police Service Commendation for Integrity (blue/silver/blue bar) is awarded for a highly credible, unusual police accomplishment. This is awarded in conjunction with a Recognition of Meritorious Service letter.

Meritorious Police Service Commendation for Compassion



The Meritorious Police Service Commendation for Compassion (wide, red center with small silver stripes and then blue tips) is awarded for an act of intelligent and valuable police service demonstrating exceptional compassion and extraordinary acts of kindness, or for highly creditable

and extraordinary acts of compassion or kindness over a period of time. This is awarded in conjunction with a Recognition of Meritorious Service letter.

Meritorious Police Service Commendation for Excellent Police Duty



The Meritorious Police Service Commendation for Excellent Police Duty (equal red/silver/blue/silver/red sections) is awarded for an act of intelligent and valuable police service demonstrating special faithfulness or perseverance, a series of highly creditable acts of police service over a period of time, an intelligent act materially contributing to a valuable accomplishment, or submission of a device or method adopted to increase efficiency in an administrative or tactical procedure. This is awarded in conjunction with a Recognition of Meritorious Service letter.

Meritorious Police Service Commendation for Community Service



The Meritorious Police Service Commendation for Compassion (red center with equal blue tips) is awarded for an act that demonstrates devotion to community service or for an idea that improved conditions with the community after it was implemented. This is awarded in conjunction with a Recognition of Meritorious Service letter.

Field Training Officer



Although not an award, the Field Training Officer commendation bar is displayed with the officer's awards in recognition of his/her status as an FTO and the contribution that FTOs make to the department as a whole. This commendation bar is identical to and replaces the current pin worn by our officers.

Physical Fitness Award



This award replaces the current cloth ribbons issued to officers upon successful completion of the department's annual physical fitness test. The silver star and gold star levels address in the collective bargaining agreement are represented by one- and two-star commendation bars, respectively.

For multiple awards of the ~~Medal of Honor~~, Police Combat Medal, Medal of Valor, and ~~Purple Heart~~, the enameled ribbon is replaced with one with a star on it, indicating a second award. Subsequent awards are treated the same way, up to five stars.

The proposed awards process is as follows:

- An awards committee is appointed and serves a ^{Two}~~one~~-year term. This committee would consist of one lieutenant, one sergeant, two patrol officers, and one dispatcher.
- A supervisor makes a written nomination to the awards committee.
- Awards committee reviews nomination and then recommends approval or disapproval to the Chief.
- Chief awards the medal to the officer. The five medals for meritorious service are awarded at the time of issue. The other ^{Two}~~four~~ medals are awarded at an annual awards banquet.


The commendation ribbons are worn on slide holders above the right pocket of the uniform shirt or dress jacket. One service or unit pin (i.e. traffic safety wings or SWAT pin) may be worn centered above the commendation bar slide holder(s). The awards are displayed with the highest priority at the top toward the heart, following the order in which they are shown above. The officer's name plate is worn centered on the pocket flap with the top edge of the plate aligned with stitches at the top of the pocket.

See the example on the next page for details.


SERVICE OR UNIT PIN → 


(2) Medal of Valor		(1) Medal of Honor	
(5) MPS - Courage	(4) Purple Heart Medal		(3) Police Combat Medal
(8) MPS - Excellent Duty	(7) MPS - Compassion		(6) MPS - Integrity
(11) Physical Fitness	(10) Field Training Officer		(9) MPS - Community Svc


SMITH



RIGHT SIDE







Awards Procedure Guide.pdf



CITY OF BLUE ASH

POLICE DEPARTMENT

Interdepartmental
Memorandum

9/1/16

To: Lieutenant Steve Schueler

From: Sergeant Robert Gerhardt

Copies:

Subject: Revised Proposal for Departmental Awards

This final revision of the Service Awards Procedure Guide outlines the new awards, award criteria, and the standardized method of displaying them. This Service Award Procedure Guide is to be used in conjunction with BAPD Policy 1010.

The proposed awards and corresponding commendation bars are as follows (ranked in order of display priority):

Medal of Valor



The Medal of Valor (blue/silver bar) is awarded for acts of personal bravery intelligently performed in the line of duty at imminent personal hazard to life under circumstances evincing a disregard of personal consequences. Officers previously awarded a medal of valor would wear this replacement instead of the pin currently in use.

Police Combat Medal



The Police Combat Medal (red/silver/blue bar) is awarded to officers who have successfully and intelligently performed an act of extraordinary heroism while engaged in personal combat with an armed adversary under circumstances of imminent personal hazard to life.

Meritorious Police Service Commendation for Courage



The Meritorious Police Service Commendation for Courage (red/silver/blue bar) is awarded for an act of bravery intelligently performed involving personal risk to life or for another life-saving act. This is awarded in conjunction with a Recognition of Meritorious Service letter.

Meritorious Police Service Commendation for Integrity



The Meritorious Police Service Commendation for Integrity (blue/silver/blue bar) is awarded for a highly credible, unusual police accomplishment or for highly ethical and credible acts of integrity over a period of time. This is awarded in conjunction with a Recognition of Meritorious Service letter.

Meritorious Police Service Commendation for Compassion



The Meritorious Police Service Commendation for Compassion (red/silver/red bar) is awarded for an act of intelligent and valuable police service demonstrating exceptional compassion and extraordinary acts of kindness, or for highly creditable and extraordinary acts of compassion or kindness over a period of time. This is awarded in conjunction with a Recognition of Meritorious Service letter.

Meritorious Police Service Commendation for Excellent Police Duty



The Meritorious Police Service Commendation for Excellent Police Duty (equal red/silver/blue/silver/red sections) is awarded for an act of intelligent and valuable police service demonstrating special faithfulness or perseverance, a series of highly creditable acts of police service over a period of time, an intelligent act materially contributing to a valuable accomplishment, or submission of a device or method adopted to increase efficiency in an administrative or tactical procedure. This is awarded in conjunction with a Recognition of Meritorious Service letter.

Meritorious Police Service Commendation for Community Service



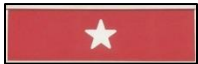
The Meritorious Police Service Commendation for Community Service (Blue/red/blue bar) is awarded for an act that demonstrates devotion to community service or for an idea that improved conditions with the community after it was implemented. This is awarded in conjunction with a Recognition of Meritorious Service letter.

Field Training Officer



Although not an award, the Field Training Officer commendation bar is displayed with the officer's awards in recognition of his/her status as an FTO and the contribution that FTOs make to the department as a whole.

Physical Fitness Award



This award replaces the current cloth ribbons issued to officers upon successful completion of the department's annual physical fitness test. The silver star and gold star levels address in the collective bargaining agreement are represented by one- and two-star commendation bars, respectively.

If an officer receives multiple awards throughout his/her career, they will still receive documentation of the new award, but no other service pins will be awarded.

The proposed awards process is as follows:

- An awards committee is appointed and serves a two-year term. This committee would consist of one lieutenant, two sergeants, two patrol officers, and one dispatcher.
- A supervisor makes a written nomination to the awards committee.

- Awards committee reviews nomination and then recommends approval or disapproval to the Chief.
- Chief awards the medal to the officer. The five medals for meritorious service are awarded at the time of issue. The two medals for valor and police combat are awarded at an annual awards banquet.
- The awards committee can also approve any outside agency awards a member may receive (i.e. HCPA, Attorney General).

The commendation ribbons are worn on cab slide holders above the right pocket of the uniform shirt or dress jacket. One service or unit pin (i.e. traffic safety wings, honor guard, or SWAT pin) may be worn centered above the commendation bar slide holder(s). The awards are displayed with the highest priority at the top toward the heart, following the order in which they are shown above. The officer's name plate is worn centered on the pocket flap with the top edge of the plate aligned with stitches at the top of the pocket.

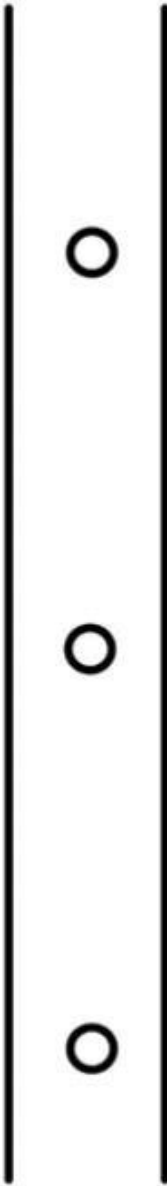
See the example on the next page for details.

SERVICE OR UNIT PIN → 

(2) Police Combat Medal		(1) Medal of Valor
(5) MPS - Compassion	(4) MPS-Integrity	(3) MPS-Courage
(8) Field Training Officer	(7) MPS – Community Service	(6) MPS – Excellent Duty
		(9) Physical Fitness

SMITH

RIGHT SIDE



GO-21-001 Off-Duty Detail Rates.pdf



**BLUE ASH, OHIO
POLICE DEPARTMENT**

DATE OF ISSUE:

1/11/2021

EFFECTIVE DATE:

1/1/2021

NO.

GO-21-001

GENERAL ORDER

OFF-DUTY DETAIL RATES

TIME PERIOD IN EFFECT

UNTIL FURTHER NOTICE

DIRECTED TO:

ALL POLICE DEPARTMENT PERSONNEL

ATTACHMENT(S):

☐ YES ☒ NO

Purpose:

The purpose of this order is to set an hourly rate of pay for off-duty details paid by entities other than the City of Blue Ash.

Orders:

Effective 1/1/2021, General Order GO-18-002 is rescinded.

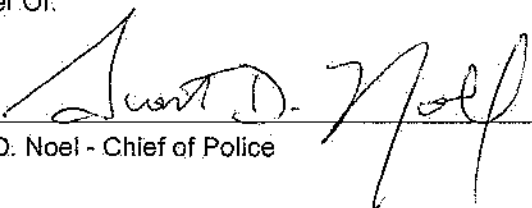
Effective 1/1/2021, the off-duty detail hourly rate will be increased to \$50.00 per hour.*

Details will be quoted on a three-hour minimum.

All inquiries for off-duty details should be referred to the Administrative Sergeant or the Administrative Lieutenant. If the detail request is to cover an immediate need, the shift supervisor shall fill the detail if the Administrative Sergeant and the Administrative Lieutenant are unavailable. The shift supervisor shall notify the Administrative Lieutenant or the Administrative Sergeant of the detail through email or other written means.

*The Matthew 25 Ministries detail shall remain at the rate of \$45.00 per hour.

By Order Of:


Scott D. Noel - Chief of Police

1-11-2021

Date

GO-21-002 Leave Limits Signed.pdf



**BLUE ASH, OHIO
POLICE DEPARTMENT**

DATE OF ISSUE:
01/26/2021

EFFECTIVE DATE:
1/26/2021

NO.
GO-21-002

GENERAL ORDER

LEAVE TIME LIMITS

TIME PERIOD IN EFFECT
UNTIL FURTHER NOTICE

DIRECTED TO:
ALL POLICE DEPARTMENT PERSONNEL

ATTACHMENT(S):
☐ YES ☒ NO

Purpose:

The purpose of this order is to allow the Department to best manage our work schedule with the current and anticipated numbers of personnel available to us.

Orders:

General Order GO-19--003 is rescinded and replaced by this General Order.


For purposes of this order, "leave" does not include off days that adjoin days on which a member has taken leave. These off days do not count toward the leave limits nor are they protected from forced overtime.

Four patrol section officers are permitted leave at any one time.

Two full-time dispatchers are permitted leave at any one time. Effective immediately and until further notice only one dispatcher is permitted off on extended leave at any one time. For purposes of this order, extended leave will be defined as more than one day.

No sworn officers or dispatchers are permitted leave during the Independence Day holiday, beginning on July 3 at 2230 hrs and ending on July 5 at 0700 hrs.

By Order Of:


Scott D. Noel - Chief of Police

1-26-2021
Date

GO-19-001 Leave Time Limits.pdf



**BLUE ASH, OHIO
POLICE DEPARTMENT**

DATE OF ISSUE:

05/31/2019

EFFECTIVE DATE:

06/01/2019

NO.

GO-19-001

GENERAL ORDER

LEAVE TIME LIMITS

TIME PERIOD IN EFFECT

UNTIL FURTHER NOTICE

DIRECTED TO:

ALL POLICE DEPARTMENT PERSONNEL

ATTACHMENT(S):

☐ YES ☒ NO

Purpose:

The purpose of this order is to allow the Department to best manage our work schedule with the current and anticipated numbers of personnel available to us.

Orders:

For purposes of this order, "leave" does not include off days that adjoin days on which a member has taken leave. These off days do not count toward the leave limits nor are they protected from forced overtime.

Four patrol section officers are permitted leave at any one time.

Two full-time dispatchers are permitted leave at any one time.

General Order GO-17-001 is rescinded and replaced by this General Order.

By Order Of:


Scott D. Noel - Chief of Police

5-31-19
Date

GO-21-004 Off-Duty Detail Rates for 2022.pdf



**BLUE ASH, OHIO
POLICE DEPARTMENT**

DATE OF ISSUE:

11/10/2021

EFFECTIVE DATE:

01/01/2022

NO.

GO-21-004

GENERAL ORDER

OFF-DUTY DETAIL RATES FOR 2022

TIME PERIOD IN EFFECT

UNTIL FURTHER NOTICE

DIRECTED TO:

ALL POLICE DEPARTMENT PERSONNEL

ATTACHMENT(S):

☐ YES ☒ NO

Purpose:

The purpose of this General Order is to update the hourly rate of pay for off-duty details that are paid by entities other than the City of Blue Ash.

Orders:

Effective 1/1/2022:

- General Order GO-21-001 is rescinded.
- The rate for the Matthew 25 Ministries detail shall be \$50.00 per hour.
- The rate for details that do not require traffic control services shall be \$55.00 per hour.
- The rate for details that require an officer to control vehicular traffic upon a roadway and/or into or out of a parking lot shall be \$60.00 per hour.
- Details will be quoted at a three-hour minimum.

All inquiries for off-duty details should be referred to the Administrative Sergeant or the Administrative Lieutenant. If the detail request is for an immediate need, the shift supervisor should fill the detail if the Administrative Sergeant and Administrative Lieutenant are unavailable. The shift supervisor should then notify the Administrative Sergeant of the detail by email or other written means.

By Order Of:


Scott D. Noel - Chief of Police

11-10-21
Date

Indigent Information Policy.docx.pdf

CITY OF BLUE ASH, OHIO
GUIDELINES RELATING TO DECEASED INDIGENTS

Updated September 2021

Issued By and City Contact Information:

City Contact:

Sherry Poppe, Treasurer
Business Phone: 513-745-8513
Email: spoppe@blueash.com

Alternate City Contact:

Carrah LaSuer, Administrative Asst.
Business Phone: 513-745-8538
Email: clasuer@blueash.com

City of Blue Ash, Ohio
Municipal and Safety Center
4343 Cooper Road
Blue Ash, Ohio 45242

After normal business hours, please contact the Blue Ash Police Department at 513-745-8500.

Funeral Home Contact Information:

Strawser Funeral Home
9503 Kenwood Road
Blue Ash, Ohio 45242

Business Phone Number: 513-791-7203
Cell Phone Number: 513-485-7632 (Jason Strawser)
Fax: 513-791-9358
Email: strawserstaley@gmail.com
www.strawserfuneralhome.com

Contact the funeral home or the City of Blue Ash first so that arrangements can be confirmed, the funeral home can be informed in advance, and all parties can get a commitment from Blue Ash as to accepting financial responsibility for final costs.

Following a change in State Law in 2001, the State shifted the responsibility for the handling of the remains of deceased indigent individuals to that person's local government which would consider them to be a resident. The city, village, or township which would consider such a person a resident has a responsibility under Ohio Law to pay for the cost of cremation and related interment. However, the scope or range of that responsibility has not been standardized, with reliance generally placed upon the most efficient but respectful method of handling the decedent's remains.

The City of Blue Ash has adopted an informal framework for addressing this issue, for our internal guidance, and to serve as a measure of information for those called upon to assist in the respectful handling of the remains of those found to be "eligible" to have been considered a Blue Ash resident, and who meets the criteria for being indigent.

Presented below are the issues that seem to be pertinent for these situations:

- 1. Resident Qualification** – In order for Blue Ash to absorb these costs, the decedent generally must have been able to reasonably call Blue Ash their legal residence.
 - A person who was living at a Blue Ash nursing home for some time would qualify for assistance.
 - A person who was living in a Blue Ash home and being cared for by someone or family would qualify for assistance.
 - A person who was completely homeless, had no family contact or support, and who ended up in a Blue Ash nursing home or Hospice before passing over would rationally be considered as qualifying, as there would be no other rational alternative than for Blue Ash to accept responsibility.
 - An indigent person who had lived in another city, and was admitted to a Blue Ash Hospice on a short term basis before passing over, would be considered a resident of the locality from which they came.
- 2. Indigent Qualification** – In order for Blue Ash to absorb these costs, the decedent must truly be indigent and not possess, or have rights to, the financial resources necessary to pay for their funeral expenses or handling of their bodily remains. A qualifying indigent may have family, close by or far away, and the family may not have the intent, desire, or financial capacity to accept responsibility for these costs. However, upon acceptance from the City of Blue Ash of assistance in covering these costs, the family (or guardian, should one exist) surrenders authority or decision-making capacity as to the scope of services to be provided. Such decisions shall be jointly made by the funeral home selected by the City. It is expected that resources available to the decedent be utilized first to cover costs, or if in the form of life insurance, that a commitment be made by the beneficiary to reimburse the City of Blue Ash for costs expended.

3. Scope of Services – Depending upon the circumstances, as determined solely by the City of Blue Ash, reasonable costs for the following types of funeral services may be paid by the City on behalf of the decedent:

- Pick-up and transport of the remains to the funeral home
- Preparation of the body, cremation, and collection of ashes
- Costs for a container for the ashes depending upon destination (Cemetery Requirements, etc.)
- Transport Costs, if any, of the ashes/container to the cemetery
- Payment to the cemetery for the respectful burial/interment of the ashes
- Cost of up to two certificates of death
- Reasonable delivery of ashes to next of kin if not interred
- If no cemetery plot is available and there are no next of kin, the City will accept ashes for respectful handling.

Note – The City will not accept financial responsibility for the purchase of a burial plot, spot in a mausoleum, or for any marker or stone at the cemetery.

4. Contacting the Funeral Home – Once contact has been made with the City of Blue Ash regarding the City's acceptance of responsibility to pay, Hospice or any other party in possession or control of the remains may move forward with contacting the Funeral Home.

5. Hospice Obligations – To the extent they can, Hospice will assist in providing the funeral home with as much information as possible about the decedent, so that the appropriate forms required by the Funeral Home, Hamilton County, and State of Ohio can be properly completed. Such information may include:

- Full legal name of the decedent
- Social Security Number
- Last known address
- Date of birth, if known, and age at time of death
- Exact date of death and location of such passing over
- Contact Information, if any, for legal guardian or any family

Feel free to contact me with any questions.

Thanks,
Sherry Poppe
Treasurer/Administrative Services Director
745-8513

HCCC CPD Pursuit Communications Plan.pdf

Cincinnati and Hamilton County Pursuit Communications Plan



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Purpose

The purpose of this document is to standardize radio communications protocols used during pursuits in the service areas of the Cincinnati Emergency Communications Center (CECC) and the Hamilton County Communications Center (HCCC).

Vehicular pursuits are typically short duration, communications-intensive law enforcement incidents. Pursuits often cross jurisdictional boundaries, and seamless interoperable communication between the communications centers and agencies involved will contribute toward successful apprehensions, officer safety, and public safety.

Goals

The goals of this communications plan are:

- **Use Shared Countywide Pursuit Channel**
Promote interoperability between law enforcement agencies by using a shared radio talkgroup that is easily accessible to law enforcement officers
- **Initiating Officer Does Not Switch Channels**
Reduce or eliminate the need for officers who initiate a pursuit to switch channels when they cross boundaries
- **Radio Patch to Pursuit Channel by Communications Center**
Bridge the initiating officer(s) on their current radio channel to a shared channel that other agencies and districts may join
- **Use All-County Broadcast Effectively**
Standardize how the All-County Broadcast is used to disseminate information regarding vehicle pursuits
- **Ease Communication for Pursuits Across Boundaries**
Provide technical and operational guidance on pursuits that cross the boundaries of communications centers

Background

Between the two communications centers, law enforcement officers typically operate on one of eight primary dispatch talkgroups, each with a defined service area and each controlled by a dispatcher. A vehicle pursuit that is initiated in the service area of one of these eight dispatch talkgroups is likely to cross into one or more of the others.

Primary Dispatch Talkgroups

CECC's service area consists of the City of Cincinnati and the center controls five of these talkgroups, each corresponding to a district of the Cincinnati Police Department. HCCC's service area consists of the remainder of Hamilton County, divided into three talkgroups used to dispatch law enforcement in eastern, central and western areas.

Radio Talkgroup Name	Communications Center	Service Area
31 LE WEST	Hamilton County (HCCC)	Hamilton County West
31 LE CENT	Hamilton County (HCCC)	Hamilton County Central
31 LE EAST	Hamilton County (HCCC)	Hamilton County East
31 CPD DIST 1	Cincinnati (CECC)	Cincinnati Police District 1 and Central Business Section
31 CPD DIST 2	Cincinnati (CECC)	Cincinnati Police District 2
31 CPD DIST 3	Cincinnati (CECC)	Cincinnati Police District 3
31 CPD DIST 4	Cincinnati (CECC)	Cincinnati Police District 4
31 CPD DIST 5	Cincinnati (CECC)	Cincinnati Police District 5

The Countywide Pursuit Talkgroup

A shared, countywide radio talkgroup was established for rapidly unfolding law enforcement incidents that may require interoperability between officers who normally operate on different talkgroups. This talkgroup is **31 PURSUIT**.

To simplify switching to this talkgroup, Cincinnati and Hamilton County law enforcement agencies chose to program this talkgroup into the Zone A-Channel 16 position of their portable radio templates. By doing so, any officer that normally operates on another talkgroup in the Zone A of their radios can turn the channel selector knob to its full extent to reach the pursuit talkgroup. Radios are typically equipped with channel announcements, meaning that the radio will provide audible confirmation of the talkgroup name upon switching. This combination of template layout and channel announcement aids law enforcement officers in switching to **31 PURSUIT** without the need to look at the radio.

Participating agencies:

- All law enforcement agencies dispatched by CECC and HCCC have access to **31 PURSUIT** in Zone A, Channel 16 of their portable radios.
- The University of Cincinnati Police Department is self-dispatched but has access to the pursuit channel if needed.¹

Limitations:

- The Ohio State Highway Patrol does *not* have access to **31 PURSUIT** in their agency's radios.² Interoperability with OSHP may require additional patching depending on the circumstance.

Ohio's Regional Pursuit Talkgroups

The State of Ohio has created regional pursuit talkgroups on the Ohio MARCS radio system corresponding to the eight homeland security regions (see map).³ Hamilton County and its adjacent counties are part of Region 6. The radio talkgroup for this region is **XPRUIT6**.

Each law enforcement agency in Ohio has been authorized to program these talkgroups into their radios. Communications Centers have been authorized to patch these talkgroups to local pursuit talkgroups, should the need arise.⁴



¹ UCPD Communications is an independent dispatch center that is responsible for UCPD officers. The radios used by UCPD officers are equipped with 31 PURSUIT, enabling them to assist with a pursuit initiated by a CECC or HCCC law enforcement agency, depending on and according to UCPD policy.

² There is no technology limitation; but OSHP uses standardized radio templates across the state. It would be difficult for OSHP to make the 31 PURSUIT talkgroup accessible to Post 31, and their procedures dictate that troopers remain on their own primary dispatch talkgroup.

³ Homeland Security Planning Regions -

<https://ema.ohio.gov/documents/operations/homelandsecurityplanningregions.pdf>

⁴ MARCS Pursuit Talkgroups - <https://siec.ohio.gov/Portals/0/pdf/Pursuit%20SOP.pdf>

Concept of Operation

1. Initiation of Pursuit

When a law enforcement officer initiates a vehicle pursuit on their primary dispatch talkgroup, that officer will not switch channels.

2. ACB Announces Pursuit

The dispatcher will transmit an All-County Broadcast (ACB) announcing the pursuit and advising that “*31 PURSUIT* has been activated.” This informs other districts, jurisdictions and communications centers that a pursuit has been initiated and notifies them to tune in to the pursuit channel if they need to monitor or provide assistance.

3. Dispatcher Patches in *31 PURSUIT*

Their dispatcher will patch the talkgroup they are currently using to the countywide pursuit talkgroup, *31 PURSUIT*. This will allow the pursuing officer to focus on the pursuit and will not require that officer to make a change on their radio.

4. Officers Joining/Monitoring Pursuit Switch to *31 PURSUIT*

Other officers who are not in pursuit, but intend to join or monitor the pursuit, will switch to *31 PURSUIT* (Zone A, Channel 16) for that purpose.

5. No Additional Channel Changes

As the pursuit crosses boundaries within Cincinnati and Hamilton County, no other channel changes will be required. All pursuit activity will occur on *31 PURSUIT*.

6. Dispatcher Stays With Pursuit

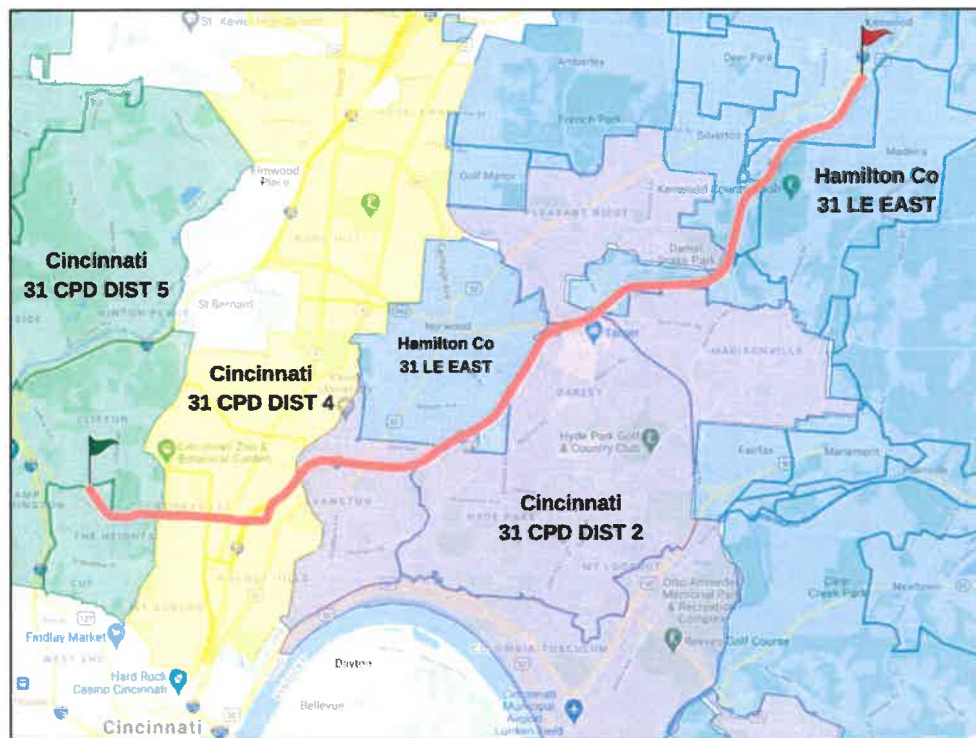
Generally, the original dispatcher will stay with the pursuit for the duration, despite changes in location, while other affected dispatchers monitor progress on *31 PURSUIT*. The pursuit can be handed off to another dispatcher on *31 PURSUIT* if needed. No change in channels will be required for participating officers.

7. Termination of Pursuit

As soon as possible following the termination of the pursuit, the radio patch will be released by the originally patching dispatcher, and officers who tuned to *31 PURSUIT* will return to their normal radio channels.

Example Pursuit

1. A **Cincinnati Police District 5 officer initiates a pursuit** eastbound on Martin Luther King Dr at Dixmyth Avenue. The pursuit begins on **31 CPD DIST 5**, the primary dispatch talkgroup at CECC for that police district.
2. CECC's dispatcher for **31 CPD DIST 5 transmits an ACB**, announcing the pursuit and that **31 PURSUIT** has been activated, and then **patches their talkgroup to 31 PURSUIT**.
3. As the pursuit continues eastbound on MLK, it crosses into Cincinnati Police District 4. District 4 officers **join the pursuit by switching to 31 PURSUIT**. The **31 CPD DIST 4** talkgroup is not used for the pursuit despite the move into District 4.
4. The vehicle being pursued enters I-71 N from MLK. On the interstate, Norwood officers and HCSO deputies join the pursuit by switching to **31 PURSUIT**. The CECC Channel 5 dispatcher maintains primary control of the pursuit in terms of echoing location changes, while other CECC and HCCC dispatchers with participating officers are able to monitor the progress of the pursuit.
5. The vehicle exits at Montgomery Road. The driver stops, flees on foot, and is apprehended. The initiating officer advises that the patch to **31 CPD DIST 5** may be released. The ACB is used to announce the termination of the pursuit.
6. Despite the pursuit having crossed into the service area of the **31 CPD DIST 4** and **31 CPD DIST 2** dispatchers at CECC, and the **31 LE EAST** dispatcher at HCCC, the pursuit did not switch to those channels, and those channels were not added to the patch. Only the initial channel and **31 PURSUIT** were used throughout.



Pursuit Continues in Adjacent Ohio County

Adjacent Ohio counties also use the Ohio MARCS radio system. In the event that a Hamilton County pursuit moves into an adjacent Ohio county, the center managing the pursuit can add *XPRSUIT6* to the patch, linking the regional talkgroup with our local, countywide pursuit talkgroup, *31 PURSUIT*. This would allow agencies equipped with the regional talkgroup to seamlessly join the pursuit. The *31 PURSUIT* talkgroup has been authorized to roam onto the Ohio MARCS radio towers in Butler, Warren, and Clermont counties for extended coverage.

Pursuit Continues in Northern Kentucky

Boone, Kenton, and Campbell counties operate a similar but separate radio system; there is no connection to the Ohio MARCS system. Cincinnati and Hamilton County units engaged in a pursuit will be able to continue to communicate with one another if their pursuit crosses into Kentucky, but interoperability with Kentucky law enforcement should be considered limited. Dispatchers will likely need to relay information by telephone or Inter-PSAP radio channels to their counterparts in Kentucky.

NKY law enforcement has been given permission to add Cincinnati and Hamilton County talkgroups to their radio programming, including the pursuit talkgroup. At this time, some NKY law enforcement agencies may be able to switch their radios to *31 PURSUIT*, but this depends on local agency radio programming and their policies.

Use of the *31 PURSUIT* talkgroup in Kentucky depends on coverage from towers in Cincinnati and Hamilton County. While there is a significant overlap of Ohio MARCS coverage in Northern Kentucky, officers should be cognizant of an increased risk of lost communication ability based on terrain and distance. Ohio MARCS talkgroups are unable to roam onto NKY radio towers because it is a separate radio system.

Pursuit Continues in Dearborn County, Indiana

Dearborn County uses the State of Indiana's radio system; there is no connection to the Ohio MARCS system. Cincinnati and Hamilton County units engaged in a pursuit will be able to continue to communicate with one another if their pursuit crosses into Dearborn County, but interoperability with Indiana law enforcement should be considered limited. Dispatchers will likely need to relay information by telephone or using the *SOSINK* radio talkgroup to their counterparts in Dearborn County.

Use of the *31 PURSUIT* talkgroup in Indiana depends on coverage from towers in Hamilton County. While there is a significant overlap of Ohio MARCS coverage in Dearborn County, officers should be cognizant of an increased risk of lost communication ability based on terrain and distance. Ohio MARCS talkgroups are unable to roam onto the State of Indiana's radio towers because it is a separate radio system.

Radio Patching

The Motorola radio console used by CECC and HCCC dispatchers allows a console operator to patch two or more radio talkgroups on the same radio system⁵. This includes any Cincinnati, Hamilton County, and State of Ohio radio talkgroup that is accessible to the dispatcher on their radio console.



What does patching mean? Patching is like merging channels. When a dispatcher creates a patch between two or more radio talkgroups, they essentially become one talkgroup, behind the scenes. Without any officer needing to touch their radios, the two (or more) radio talkgroups are merged together. Everyone can hear and talk to one another as if they switched to the same talkgroup.

Can a patch be expanded to include more agencies? Yes, but only by the dispatcher that created the original patch. Once a radio talkgroup has been patched by a dispatcher, no other dispatcher may patch to a member of the original patch. Only a dispatcher at the radio console used to create the patch can add (or remove) radio talkgroups from the patch. For example, if the pursuit began in Cincinnati, and CECC patched to *31 PURSUIT*, and later the regional pursuit channel *XPRSUIT6* is needed to include Clermont County, only the original CECC radio console can add that regional channel to the pursuit.

All-County Broadcast

The All-County Broadcast (ACB) is a system designed to reach all law enforcement officers in Hamilton County. It does this by taking over the channels used by Cincinnati and Hamilton County law enforcement agencies. It is a highly effective tool to quickly disseminate urgent information. It is important, however, to limit the use of the ACB to only when it is truly necessary, because it limits the ability of law enforcement officers to otherwise communicate with one another and their dispatcher.



Initial Broadcast

An ACB will be transmitted when a pursuit is initiated, including all pertinent information known to the dispatcher (e.g., pursuing agency, vehicle description, location, direction of travel, reason for the pursuit) and concluding with “*31 PURSUIT* has been activated.”

Updates

Generally, an ACB *will not* be used to provide periodic updates on the location of the pursuit. Other communications centers, agencies and police districts can monitor the pursuit on the *31*

⁵ The Cincinnati/Hamilton County 800MHz radio system has been integrated with and is now part of the State of Ohio MARCS system. “Same radio system” in this context means any MARCS talkgroup, including Cincinnati and Hamilton County talkgroups. It should be noted that Boone, Kenton and Campbell counties use the Northern Kentucky radio system, which is a separate system.

PURSUIT talkgroup. When the pursuit crosses jurisdictional boundaries, an announcement over the affected channel or an ACB may be appropriate depending on the circumstances.

When a pursuit crosses from one Cincinnati police district to another, the CECC dispatcher for the affected district should make an announcement on that district's channel only.

Example: A pursuit begins in Cincinnati District 1. An ACB is transmitted, and **31 CPD DIST 1** and **31 PURSUIT** talkgroups are patched. When the pursuit crosses into Cincinnati District 3, an ACB is not required. The District 3 dispatcher will make an announcement on **31 CPD DIST 3** to make those units aware.

When a pursuit crosses from one Hamilton County channel's service area to another, the HCCC dispatcher for the affected channel should make an announcement on that channel only.

Example: A pursuit begins with an agency on Hamilton County West. An ACB is transmitted, and **31 LE WEST** and **31 PURSUIT** talkgroups are patched. When the pursuit crosses into the Hamilton County Central area, an ACB is not required. The Central dispatcher will make an announcement on **31 LE CENT** to make those units aware.

When a pursuit crosses between a CECC and HCCC service area, an ACB should be transmitted.

Example: A pursuit begins with an agency on Hamilton County West. The **31 LE WEST** and **31 PURSUIT** talkgroups are patched and an ACB is transmitted. When the pursuit crosses into the Cincinnati District 3 area, an HCCC dispatcher will transmit an ACB.

Pursuit Termination

When a pursuit is terminated, an ACB will be transmitted informing all agencies.

ACB and Patched Talkgroups

Radio talkgroups that are members of a patch do not receive ACB messages; this is a technical limitation of the ACB. For example, although users tuned to *31 LE WEST* would normally receive ACB messages, when *31 LE WEST* and *31 PURSUIT* are patched, the ACB will not include these talkgroups.

This is beneficial in that ACBs transmitted about the pursuit will not hinder communication for those directly engaged in the pursuit. However, dispatchers must be cognizant that any information relayed in an ACB (e.g., a broadcast regarding an unrelated incident) will not be received by those on patched talkgroups. Dispatchers must evaluate whether it is necessary to rebroadcast the information directly on patched talkgroups.

However, it is recommended that the ACB announcing the initiation of the pursuit be transmitted before patching the original radio talkgroup to *31 PURSUIT*.

Adopted

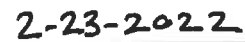
This document has been adopted as a countywide Pursuit Communications Plan to be used by the Cincinnati Emergency Communications Center, the Hamilton County Communications Center, and the law enforcement agencies dispatched by these respective centers.

City of Cincinnati

Representing Communications:



William Vedra
Director, Cincinnati Emergency Communications Center



Date

Representing Law Enforcement:



Lieutenant Colonel Teresa Theetge
Interim Police Chief, Cincinnati Police Department



Date

Hamilton County

Representing Communications:

Andrew Knapp
Director, Hamilton County Communications Center

Date

Representing Law Enforcement:

Colonel John Crowell
President, Hamilton County Association of Chiefs of Police

Date

GO 12-001 Department Organization.pdf

BLUE ASH OHIO POLICE DEPARTMENT

DATE OF ISSUE:

03/01/2012

EFFECTIVE DATE:

03/01/2012

NO.

GO-12-001

GENERAL ORDER

DEPARTMENT ORGANIZATION

TIME PERIOD IN EFFECT

UNTIL FURTHER NOTICE

DIRECTED TO:

ALL POLICE DEPARTMENT PERSONNEL

ATTACHMENT(S):

☒ YES ☐ NO

Effective 03/01/2012, General Order 11-002 is rescinded. Effective 03/01/2012, the organization, rank structure, responsibilities, functions, and duties of the Police Department are described herein.

RESPONSIBILITIES

The organization of the police department shall support the effective and efficient accomplishment of departmental responsibilities and functions according to the needs of the community.

The Police Department is the primary law enforcement agency of the City, existing under provisions of Article XIV, Section 14.01, of the Charter of the City of Blue Ash. The primary responsibilities of the Police Department are:

- Prevention of crime
- Protection of life and property
- Suppression of criminal activity
- Apprehension and prosecution of offenders
- Regulation of non-criminal conduct
- Preservation of public peace

Under the command of the Police Chief, the Police Department's responsibilities are divided among two bureaus: Operations and Administration.

COMMAND STAFF

The Police Chief is responsible for Police Department operations. The Chief coordinates, organizes, directs, and controls activities. The Chief also implements policy and makes necessary personnel and procedural changes to ensure the effective operation of the Department. The Police Chief is directly

accountable to the City Manager. Within the structure of City government, the Police Chief has the title of Department Director.

The Captain is responsible for assisting the Police Chief with the responsibilities of his position, for command of a bureau, and is directly accountable to the Police Chief. In the absence of the Police Chief, a Captain is designated as Acting Chief. In the absence of a Captain, another Captain assumes responsibility for the command of the affected bureau. Within the structure of City government, the Captain has the title of Division Head.

The Lieutenant is responsible for assisting the Captain with the responsibilities of his position, for command of a section and/or specific unit(s) within a bureau, and is directly accountable to the bureau Captain. In the absence of a Lieutenant, another Lieutenant assumes responsibility for the command of the affected section and/or unit(s).

OPERATIONS BUREAU

This bureau, commanded by a Captain, performs all primary police functions. Bureau personnel respond to citizen requests for police assistance, enforce criminal and traffic laws, investigate criminal activity, take offense reports and regulate non-criminal conduct. It consists of the Patrol Section and the Detective Section. In addition, Internal Affairs and Labor Relations are directly accountable to the Operations Bureau Captain.

INTERNAL AFFAIRS: is directly accountable to the Operations Bureau Captain and is responsible for investigating citizen complaints of a serious nature, complaints of alleged police misconduct, and use of force incidents that result in serious injury or death.

LABOR RELATIONS: is directly accountable to the Operations Bureau Captain and is responsible for labor contract negotiations, interpretation of labor contracts, and processing of grievances.

PATROL SECTION: is responsible to a Lieutenant and performs all primary police functions. Section personnel respond to citizen requests for police assistance, enforce criminal and traffic laws, investigate criminal activity, take offense reports, and regulate non-criminal conduct. It consists of Uniform Operations. The Patrol Section Lieutenant reports directly to the Operations Bureau Captain, and is directly responsible for Training.

TRAINING: is directly supervised by the Patrol Section Lieutenant and is responsible for developing, scheduling, monitoring, and conducting all training programs including the Field Training Officer (FTO) program, Continuing Professional Training (CPT), Firearms Training and Qualifications, the Justified Use of Force Simulator (JUFS) training program, distribution of training announcements, coordination of training requests, and posting of Read & Signs to the Department. The Department's fitness program and testing is the responsibility of this unit.

UNIFORM OPERATIONS: is supervised by the Patrol Section Lieutenant and is responsible for all uniform patrol activities within the Police Department. Uniform Operations is comprised of Patrol Officers and Dispatchers who are assigned to three shifts; each shift is supervised by a Sergeant or other ranking officer. The three shifts cover uniform patrol activities twenty-four hours per day, seven days per week, and three-hundred-sixty-five days per year. In addition to 1st, 2nd, and 3rd shifts, the M shift overlaps 1st and 2nd shifts, and the S shift overlaps 2nd and 3rd shifts. Other specialized assignments in Uniform Operations include Canine Patrol, Bike Patrol, Traffic Safety, and Neighborhood Liaison.

CANINE PATROL: is supervised by the Patrol Section Lieutenant or coordinated by his designee and is responsible for assisting officers in high-risk search situations. On a cooperative basis, in conjunction with the mutual aid agreements, the canine team can be used by other police agencies within Hamilton and surrounding counties with approval of a shift Sergeant or other supervisor.

BIKE PATROL: is supervised by the Patrol Section Lieutenant or coordinated by his designee and provides a full range of police services while using police mountain bikes as an alternative method of patrol that brings the officers closer to the community.

TRAFFIC SAFETY: is supervised by the Patrol Section Lieutenant or coordinated by his designee and is responsible for directing the Police Department's traffic efforts. Responsibilities include radar, laser, intoxilyzer certifications, fatal accident investigation, assisting the Federal Aviation Administration (FAA) and the Ohio State Patrol (OSP) in aircraft crash

investigations, and implementation of state programs such as seat belt and OVI enforcement.

NEIGHBORHOOD LIAISON: is supervised by the Patrol Section Lieutenant or coordinated by his designee and is responsible for working to develop a neighborhood-based collaborative with citizens to address quality-of-life issues or minor violations of law that may lead to more serious actions if left unaddressed.

DETECTIVE SECTION: is responsible to a Lieutenant and performs investigations of crime scenes and/or criminal offenses, victim's rights notifications, monitors booking and jail operations, and maintains intelligence files. Comprised of Criminal Investigations, Criminalistics, Intelligence, Forfeitures, and Jail & Booking and Special Operations, the section provides valuable assistance to the Patrol Section.

CRIMINAL INVESTIGATIONS: is supervised by the Detective Section Lieutenant and is responsible for the investigation of homicides, violent or suspicious deaths, fire deaths, police shootings, police use of force resulting in hospitalization, prisoner deaths while in custody, potentially fatal assaults, felony patient abuse and neglect cases, kidnappings, abductions, rapes and other sexual assault offenses, missing persons, child stealing and other crimes against children, burglaries, breaking & entering, thefts, robberies, fraud, forgery, credit card fraud, check embezzlement, extortion, coercion, bribery, identity theft, computer crimes, and other offenses as determined by the Lieutenant. The section also conducts background investigations on employment applicants as needed, and schedules polygraph examinations for criminal investigations.

CRIMINALISTICS: is supervised by the Detective Section Lieutenant and is responsible for the forensic processing of crime scenes and/or evidence as well as the use of technical equipment in support of Police Department operations. Included in Criminalistics are the Crime Lab and Computer Forensics.

CRIME LAB: is supervised by the Detective Section Lieutenant or coordinated by his designee and is responsible for the forensic processing of evidence and coordination of processing activities by the Hamilton County Coroner's Office, Ohio BCI&I, and the FBI.

COMPUTER FORENSICS: is supervised by the Detective Section Lieutenant or coordinated by his designee and is responsible for forensic analysis of computer or other electronic storage media that has been used in the commission of criminal offenses.

INTELLIGENCE: is supervised by the Detective Section Lieutenant and is responsible for gathering, analyzing, storing, and disseminating information concerning organized crime, terrorist activity, and potential or suspected criminal activity. Responsibilities include maintaining a network of communication with regional and national intelligence organizations, including the Mid-Atlantic Great Lakes Organized Crime Law Enforcement Network (MAGLOCLLEN). The Department's confidential informant files are maintained through this unit.

FORFEITURES: is supervised by the Detective Section Lieutenant or coordinated by his designee and prepares and maintains records and provides court testimony for the forfeiture of property through various state or federal laws. Yearly Asset Forfeiture reports are prepared by this unit and submitted to state and federal authorities.

JAIL & BOOKING: is supervised by the Detective Section Lieutenant and is responsible for compliance with State of Ohio Temporary Holding Facility Regulations compliance and inspections, processing of photographs and fingerprint cards from prisoner bookings, and integration of photographs and fingerprint cards into the police department's records system.

SPECIAL OPERATIONS: is supervised by the Detective Section Lieutenant and consists of patrol officers who specifically address issues that require non-conventional methods of enforcement, or deal with operations that require a long-term strategic approach. Responsibilities include Vice Operations and Directed Patrol.

VICE OPERATIONS: is supervised by the Detective Section Lieutenant or coordinated by his designee and is responsible for investigation and enforcement of drug, liquor, prostitution, gambling, obscenity, pornography and other offenses as determined by the Lieutenant. In addition, responsibilities include cooperation with the

Drug Abuse Reduction Task Force (DART), the Regional Enforcement Narcotics Unit (RENU), the U.S. Drug Enforcement Agency (DEA), the Ohio Investigative Unit, and other state and federal agencies with jurisdiction in such crimes. A file is maintained by this unit for all Liquor Permit premises and Federal Firearms License holders located within the City.

DIRECTED PATROL: is supervised by the Detective Section Lieutenant or coordinated by his designee and is responsible for targeted patrol strategies in areas with a pronounced increase in criminal activity or traffic offenses.

ADMINISTRATION BUREAU

This bureau, commanded by a Captain, performs a variety of functions that support the operation of the Department. It consists of the Staff Section. In addition, Media Liaison and Research & Planning are directly accountable to the Administration Bureau Captain.

MEDIA LIAISON: is directly supervised by the Administration Bureau Captain and is responsible for liaison with the media.

RESEARCH & PLANNING: is directly supervised by the Administration Bureau Captain and is responsible for planning, research, and the development of programs that maximize the effective use of Department personnel and resources. It includes long-range planning, developing forms and procedures, conducting legal research, and tracking civil litigation involving the Department and its members. Policies, Procedures, Rules, Regulations and General Orders issued by the Chief are coordinated by this unit. It also serves as the Department's liaison with the City Solicitor, City Treasurer, City PIO, and MVRMA.

STAFF SECTION: is responsible to a Lieutenant and performs all support and staff functions. It consists of Mayor's Court and Support Operations. The Staff Section Lieutenant reports to the Administration Bureau Captain, and is directly responsible for Special Event Operations. The section Lieutenant is designated as the Records Custodian of the Police Department.

SPECIAL EVENT OPERATIONS: is the direct responsibility of the Staff Section Lieutenant who coordinates police deployment for large events occurring within the City.

MAYOR'S COURT: is the direct responsibility of the Staff Section Lieutenant. The Mayor's Court is responsible for the processing of all criminal and traffic citations and complaints cited under Blue Ash Codified Ordinances through the Mayor's Court system, entry of data into RCIC and the Ohio Bureau of Motor Vehicle (BMV) system, collection of fines, and processing of warrants and summons through the Mayor. The Mayor's Court processes and issues Overweight Truck Permits through the Police Department.

SUPPORT OPERATIONS: is supervised by the Staff Section Lieutenant and consists of Finance & Budget, Supplies & Equipment, Facility Management, Fleet Management, Secretarial functions, Property & Impound, Payroll & Scheduling, Juvenile Referee's Court, Records, and Community Relations coordination.

FINANCE & BUDGET: is supervised by the Staff Section Lieutenant or coordinated by his designee and is responsible for preparing and monitoring grants, processing receivables, preparation and administration of the Police Department budget, effective control and audit of expenditures, all financial documents including purchase orders, and controlling financial statements and reports.

SUPPLIES & EQUIPMENT: is supervised by the Staff Section Lieutenant or coordinated by his designee and is responsible for ordering, receipt of, storage and distribution of items needed by the Department to maintain normal operations. This responsibility includes paper forms, uniforms, maintenance contracts, and other items as determined by the section Lieutenant.

FACILITY MANAGEMENT: is supervised by the Staff Section Lieutenant or coordinated by his designee and is responsible for the coordination of all repairs, routine maintenance, and cleanliness of police facilities through the appropriate contractor or other City department. Key Control for the City's facilities is the responsibility of this unit.

FLEET MANAGEMENT: is supervised by the Staff Section Lieutenant or coordinated by his designee and ensures that the vehicular needs of the Department are met. The unit plans for future vehicular needs, maintains a

liaison with outside repair vendors and contractors, transports vehicles for repairs, and monitors vehicle usage by Department personnel. This is accomplished by maintaining records of mileage, service, accidents and damage involving Department vehicles, as well as from periodic and special reports.

SECRETARY: is supervised by the Staff Section Lieutenant and prepares and files correspondence, coordinates the delivery of mail, processes various permits, coordinates the Department website, manages the Department library, coordinates postings, and performs other secretarial duties as assigned by the Chief, Captains, Lieutenants, or Sergeants of the Police Department.

PROPERTY & IMPOUND: is supervised by the Staff Section Lieutenant or coordinated by his designee and is responsible for any property held by the Department for the courts or other purposes. It tracks, maintains custody of, and disposes of items found, confiscated, forfeited or held as evidence. It is responsible for the disposal of unclaimed property and the destruction of drugs and weapons. It receives, secures, and disposes of impounded and seized vehicles. These originate from DUI and suspension arrests as well as law violations. It auctions unclaimed and forfeited vehicles and exercises supervision of private towing companies on the police rotation towing list.

PAYROLL & SCHEDULING: is supervised by the Staff Section Lieutenant or coordinated by his designee and prepares schedules for the Police Department for daily or special events, monitors and processes payroll for both sworn and non-sworn employees, coordinates all outside employment extension of police service details, and maintains the Police Department's outside employment activity records for all officers.


JUVENILE COURT: is supervised by the Staff Section Lieutenant or coordinated by his designee and is responsible for maintaining records on juvenile offenders processed through the Juvenile Referee Court, the coordination of cases for the Juvenile Referee, and the issuance of referrals to and liaison with the Reading Youth Services Bureau.

RECORDS: is supervised by the Staff Section Lieutenant or coordinated by his designee and is responsible for receiving, reviewing, and filing most criminal

offense reports, auto accident reports and related records. This includes fingerprint cards and/or mug shots forwarded from the Jail & Booking Operations. Copies of reports for the local media are made available through this unit; however public records requests are processed directly by the section Lieutenant who is designated as the Records Custodian. The section Lieutenant serves as the Department's liaison with the City's Record Retention authority.

COMMUNITY RELATIONS: is supervised by the Staff Section Lieutenant or coordinated by his designee and is responsible for developing and conducting programs in collaboration with the corporate, academic, retail, business, and residential communities within the City. The Police Department's Drug Abuse Resistance Education (DARE) program is the responsibility of this unit.

By Order Of:



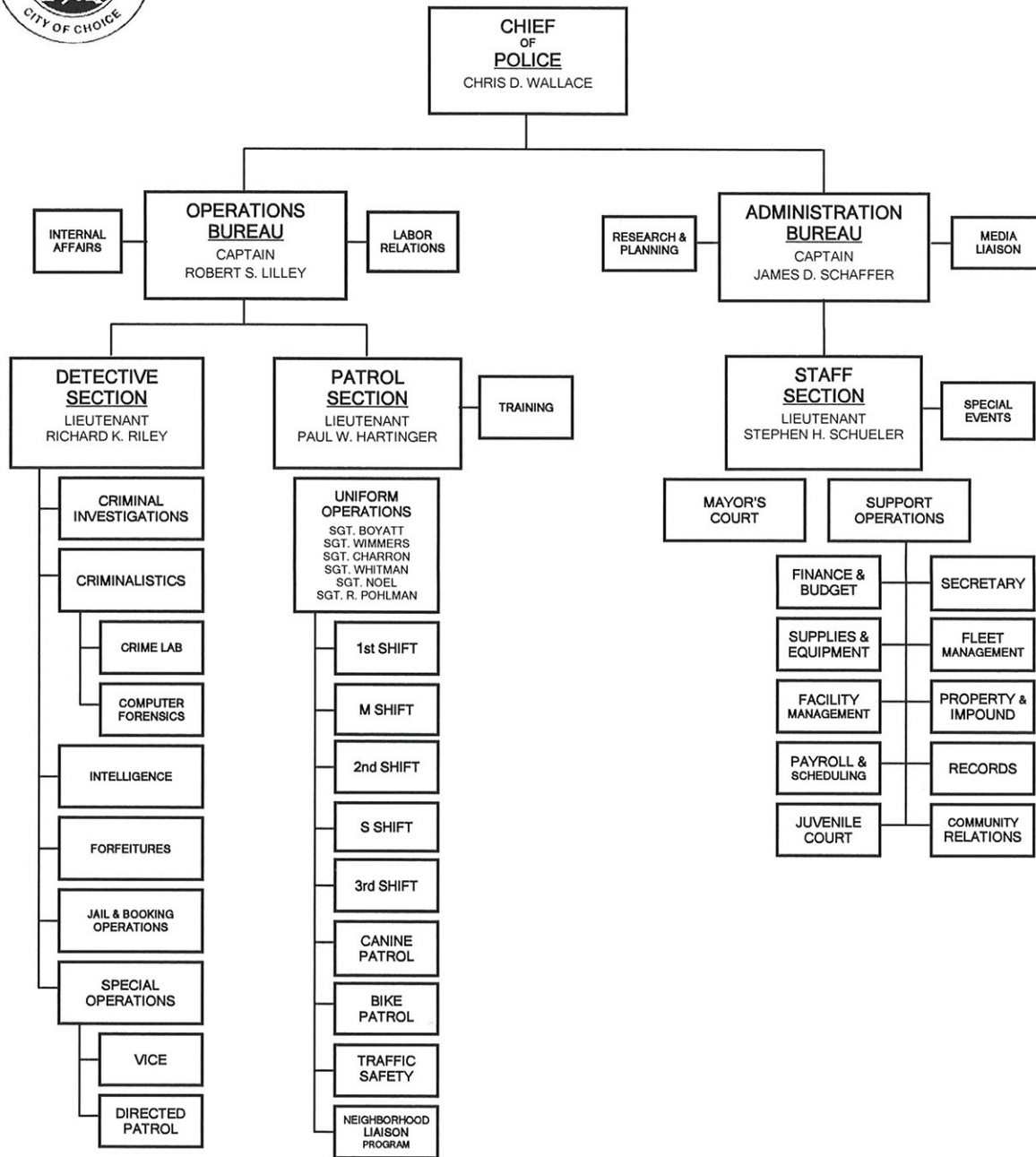
Chris D. Wallace - Chief of Police

03/01/2012

Date



CITY OF BLUE ASH POLICE DEPARTMENT



**ORGANIZATION
&
STAFF ALLOCATION**
MARCH 1, 2012

**GO-23-002 Staffing Levels of
Patrol Section (Signed).pdf**



**BLUE ASH, OHIO
POLICE DEPARTMENT**

DATE OF ISSUE:

01/06/2023

EFFECTIVE DATE:

01/07/2023

NO.

GO-23-002

GENERAL ORDER

STAFFING LEVELS OF PATROL SECTION

TIME PERIOD IN EFFECT

UNTIL FURTHER NOTICE

DIRECTED TO:

ALL POLICE DEPARTMENT PERSONNEL

ATTACHMENT(S):

☐ YES

☒ NO

Purpose:

The purpose of this order is to state the Department's current position regarding staffing levels for the Patrol Section.

Orders:

General Order GO-19-002 is rescinded to account for the 2023 12-hour Shift MOU.

Minimum staffing level guidelines for the Patrol Bureau are as follows:

- Day Shift: Monday through Saturday 0700 – 1900 hours: 3 Patrol Officers, 1 Sergeant
Sunday 0700 – 1900 hours: 2 Patrol Officers, 1 Sergeant
- Night Shift: Monday through Saturday 1900 – 0300 hours: 3 Patrol Officers, 1 Sergeant
Monday through Saturday 0300 – 0700 hours: 2 Patrol Officers, 1 Sergeant
Sunday 1900 – 0700 hours: 2 Patrol Officers, 1 Sergeant

Shifts that fall on these days will be staffed with a minimum of 3 Patrol Officers and 1 Sergeant:

- Memorial Day weekend (Friday through Monday)
- Independence Day (and through the adjoining weekend, if it falls on Friday through Monday)
 - Minimum staffing levels for the time-period of July 4 at 1500 hours through July 5 at 0300 hours shall be four Patrol Officers and one Sergeant.
- Labor Day weekend (Friday through Monday)
- SummitFest

The above days of the week for Night Shift indicate the day that the shift begins.

Lieutenants and Captains have authority to adjust staffing levels to meet operational needs.

By Order Of:

Scott D. Noel - Chief of Police

1-4-2023

Date

GO-23-001 Leave Time Limits (Signed).pdf



**BLUE ASH, OHIO
POLICE DEPARTMENT**

DATE OF ISSUE:

01/06/2023

EFFECTIVE DATE:

01/07/2023

NO.

GO-23-001

GENERAL ORDER

LEAVE TIME LIMITS

TIME PERIOD IN EFFECT

UNTIL FURTHER NOTICE

DIRECTED TO:

ALL POLICE DEPARTMENT PERSONNEL

ATTACHMENT(S):

☐ YES

☒ NO

Purpose:

The purpose of this order is to allow the Department to best manage our work schedule with the current and anticipated numbers of personnel available to us.

Orders:

General Order GO-21--002 is rescinded to account for the 2023 12-hour Shift MOU and replaced by this General Order.

For purposes of this order, "leave" does not include off days that adjoin days on which a member has taken leave. These off days do not count toward the leave limits nor are they protected from forced overtime.

Two patrol section officers are permitted leave, per day, per shift. No more than four patrol section officers are permitted leave per day.

Two full-time dispatchers are permitted leave at any one time. Effective immediately and until further notice only one dispatcher is permitted off on extended leave at any one time. For purposes of this order, extended leave will be defined as more than one day.

No sworn officers or dispatchers are permitted leave during the Independence Day holiday, beginning on July 3 at 2230 hrs and ending on July 5 at 0700 hrs.

By Order Of:



Scott D. Noel - Chief of Police

1-4-2023

Date

GO-18-002 Off-Duty Detail Rates.pdf



**BLUE ASH, OHIO
POLICE DEPARTMENT**

DATE OF ISSUE:

3/14/2018

EFFECTIVE DATE:

5/1/2018

NO.

GO-18-002

GENERAL ORDER

OFF-DUTY DETAIL RATES

TIME PERIOD IN EFFECT

UNTIL FURTHER NOTICE

DIRECTED TO:

ALL POLICE DEPARTMENT PERSONNEL

ATTACHMENT(S):

☐ YES

☒ NO

Purpose:

The purpose of this order is to set an hourly rate of pay for off-duty details paid by entities other than the City of Blue Ash..

Orders:

Effective 5/1/2018, General Order GO-14-001 is rescinded.

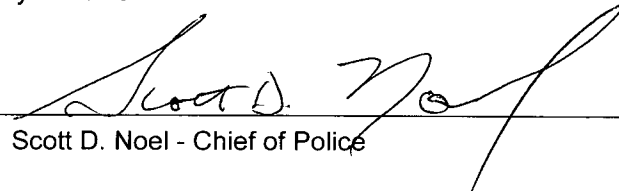
Effective 5/1/2018, the off-duty detail hourly rate will be increased to \$45.00 per hour.

Details will be quoted on a three-hour minimum.

All inquiries for off-duty details should be referred to the department scheduling officer or the Administrative Lieutenant. If the detail request is to cover an immediate need, the shift supervisor shall fill the detail if the department scheduling officer and the Administrative Lieutenant are unavailable. The shift supervisor shall notify the Administrative Lieutenant or the department scheduling officer of the detail through email or other written means.

The Matthew 25 Ministries detail shall remain at the quoted rate of \$42.00 per hour until January 1, 2019.

By Order Of:



Scott D. Noel - Chief of Police

3/14/2018
Date

GO 07-001 Citations to Mayors Court.pdf

Effective Date: 1/15/07
General Order Number: 07-001
Attachments: ☐ Yes ☒ No

BLUE ASH POLICE DEPARTMENT
GENERAL ORDERS/DIRECTIVES

Directed To: All Sworn Police Personnel

Subject: Citations to Mayor's Court

Time Period to be in effect: Immediately and Until Further Notice

By Order of:


Chris D. Wallace, Chief of Police

Date Signed:

1/11/07

In order to better facilitate efficient operation of the police department, officers will cite all adult misdemeanor and traffic offenses to the Blue Ash Mayor's Court when there is an applicable ordinance in the Blue Ash Municipal Code, unless directed otherwise by a supervisor.

Exceptions to this order are traffic citations for OMVI and Driving Under Suspension, which must be cited to the Hamilton County Municipal Court.

GO-15-003 Heroin Task Force 073015.pdf



**BLUE ASH, OHIO
POLICE DEPARTMENT**

DATE OF ISSUE:

7/30/2015

EFFECTIVE DATE:

7/30/2015

NO.

GO-15-003

GENERAL ORDER

HEROIN TASK FORCE COORDINATION

TIME PERIOD IN EFFECT

UNTIL FURTHER NOTICE

DIRECTED TO:

ALL POLICE DEPARTMENT PERSONNEL

ATTACHMENT(S):

 X YES NO

Purpose:

The purpose of this order is to aid the Opiate/Heroin Task Force of the Hamilton County Heroin Coalition in their investigation into the heroin epidemic in the Cincinnati area.

Background:

The Hamilton County Heroin Coalition began work on May 1, 2015. The Opiate/Heroin Task Force (OHTF) is staffed by law enforcement officers from across the county. OHTF investigators will respond to a fatal suspected opiate overdose when certain criteria are met.

Another key part of this effort is information sharing, which is coordinated by the Greater Cincinnati Fusion Center, which is responsible for tracking trends related to heroin use. Dispatcher Kevin Deye is our contact with the Fusion Center.

Order:

Officers investigating cases of suspected opiate overdoses will follow the Hamilton County Heroin Coalition Task Force's Law Enforcement Protocol, which is attached to this General Order.

Sergeants are responsible for ensuring that Disp. Deye is aware of reports pertaining to heroin-related arrests and overdoses that occur during shifts that they supervise. Disp. Deye is responsible for compiling this information and forwarding it to the Greater Cincinnati Fusion Center for analysis and distribution to the Heroin Task Force.

By Order Of:

Paul W. Hartinger - Chief of Police

7/30/15

Date

Heroin Immunity Order B 9-8-16.pdf

IN THE COURT OF COMMON PLEAS
HAMILTON COUNTY, OHIO

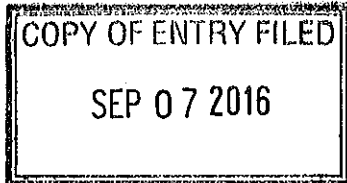
JUDGE ROBERT P. RUEHLMAN
COURT OF COMMON PLEAS
HAMILTON COUNTY, OHIO

M161126

IN RE: : CASE NO. M-_____

IMMUNITY :

ORDER GRANTING IMMUNITY
FROM PROSECUTION



This matter is before the Court upon written motion of Hamilton County Prosecuting Attorney Joseph T. Deters pursuant to O.R.C. 3719.70, and the Court, for good cause shown, does hereby grant the State's motion.

Therefore, it is the Order of this Court that immunity from prosecution is granted to anyone who appears at any law-enforcement agency in Hamilton County, Ohio and turns over any substance or combination of substances said person believes may cause the user of said drug to have an overdose.

It is the further Order of this Court that any law-enforcement agency that receives any substance pursuant to this Order Granting Immunity must notify the Hamilton County, Ohio Prosecuting Attorney of such receipt of drugs, and must also take steps to ensure these drugs are disposed of in a medically safe manner. Said drugs can be

submitted for testing by any law-enforcement agency receiving such drugs prior to disposal.

DOCUMENT ON FILE IN THIS OFFICE FILED
IS A TRUE AND CORRECT COPY OF THE
THIS IS TO CERTIFY THAT THE FOREGOING
COURT OF COMMON PLEAS
STATE OF OHIO

Hon. Robert P. Ruehlman, Presiding Judge
Hamilton County Court of Common Pleas

BY
DEPUTY CLERK

GO-18-001 Staffing Levels of Patrol Section.pdf



**BLUE ASH, OHIO
POLICE DEPARTMENT**

DATE OF ISSUE:

01/17/2018

EFFECTIVE DATE:

01/17/2018

NO.

GO-18-001

GENERAL ORDER

STAFFING LEVELS OF PATROL SECTION

TIME PERIOD IN EFFECT

UNTIL FURTHER NOTICE

DIRECTED TO:

ALL POLICE DEPARTMENT PERSONNEL

ATTACHMENT(S):

☐ YES ☒ NO

Purpose:

The purpose of this order is to state the Department's current position regarding staffing levels for the Patrol Section.

Orders:

General Order GO-09-006 is rescinded.

Minimum staffing level guidelines for the Patrol Bureau are as follows:

- First Shift: Monday thru Friday 0630 – 1500 hrs: 3 Patrol Officers, 1 Sergeant
Saturday and Sunday 0630 – 1500 hrs: 2 Patrol Officers, 1 Sergeant
- Second Shift: Monday thru Friday 1430 – 2300 hrs: 3 Patrol Officers, 1 Sergeant
Saturday 1430 – 1830 hrs: 2 Patrol Officers, 1 Sergeant
Saturday 1830 hrs – 2300 hrs: 3 Patrol Officers, 1 Sergeant
Sunday 1430 – 2300 hrs: 2 Patrol Officers, 1 Sergeant
- Third Shift: Monday thru Saturday 2230 – 0300 hrs: 3 Patrol Officers, 1 Sergeant
Monday thru Saturday 0300 – 0700 hrs: 2 Patrol Officers, 1 Sergeant
Sunday 2230 – 0700 hrs: 2 Patrol Officers, 1 Sergeant

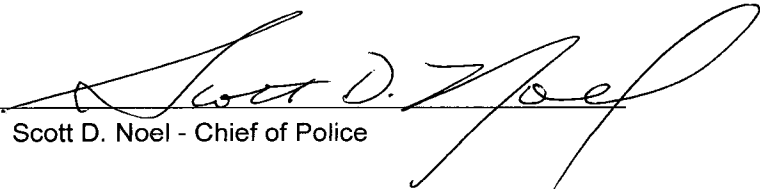
Shifts that fall on these days will be staffed with a minimum of 3 Patrol Officers and 1 Sergeant:

- Memorial Day weekend (Friday through Monday)
- Independence Day (and through the adjoining weekend, if it falls on Friday through Monday)
- Labor Day weekend (Friday through Monday)
- Summit Fest

The above days of the week for Third Shift indicate the day that the shift begins on.

Lieutenants are authorized to make adjustments to staffing levels to meet operational needs.

By Order Of:


Scott D. Noel - Chief of Police

1/17/2018
Date

GO-17-001 Leave Time Limits.pdf



**BLUE ASH, OHIO
POLICE DEPARTMENT**

DATE OF ISSUE:

10/10/2017

EFFECTIVE DATE:

10/11/2017

NO.

GO-17-001

GENERAL ORDER

LEAVE TIME LIMITS

TIME PERIOD IN EFFECT

UNTIL FURTHER NOTICE

DIRECTED TO:

ALL POLICE DEPARTMENT PERSONNEL

ATTACHMENT(S):

☐ YES ☒ NO

Purpose:

The purpose of this order is to allow the Department to best manage our work schedule with the current and anticipated numbers of personnel available to us.

Orders:

For purposes of this order, leave includes vacation leave, compensatory time leave, and military leave.

Four patrol section officers are permitted leave at any one time.

Two full-time dispatchers are permitted leave at any one time.

General Order GO-14-002 is rescinded and replaced by this General Order.

By Order Of:

Paul W. Hartinger - Chief of Police

10/10/17
Date

**GO-15-002 Suspension of
Enforcement BACO 525.16(c).pdf**



**BLUE ASH, OHIO
POLICE DEPARTMENT**

DATE OF ISSUE:

6/25/2015

EFFECTIVE DATE:

6/25/2015

NO.

GO-15-002

GENERAL ORDER

SUSPENSION OF ENFORCEMENT –BACO §525.16(c)

TIME PERIOD IN EFFECT

UNTIL FURTHER NOTICE

DIRECTED TO:

ALL POLICE DEPARTMENT PERSONNEL

ATTACHMENT(S):

 X YES NO

Purpose:

The purpose of this order is to protect the Department from potential civil liability.

Background:

On June 22, 2015, the United States Supreme Court issued a decision in the case of *City of Los Angeles, California v. Patel, et al*, 576 U.S. ____ (2015). The case involved Los Angeles Municipal Code ordinance that was similar to our 525.16 in that it required hotels to keep a register of guests and make it available for inspection to any LAPD officer at any time. The Court struck down the section requiring the register to be open for inspection saying that the hotel had a reasonable expectation of privacy in regards to the register and that the Los Angeles ordinance violated the Fourth Amendment. Blue Ash Codified Ordinance §525.16 is similar to the Los Angeles ordinance.

Order:

Effective immediately, officers will not issue minor misdemeanor citations for violations of Blue Ash Codified Ordinance §525.16(c).

The City Solicitor is reviewing §525.16 for possible amendment by City Council.

BACO §525.16 is attached and highlighted for reference.

Reference case:

City of Los Angeles, California v. Patel, et al, 576 U.S. ____ (2015)

By Order Of:


Paul W. Hartinger - Chief of Police

6/25/15
Date

525.16 HOTELS, MOTELS AND ROOMING HOUSES.

(a) Definitions.

(1) "Dwelling" means a building occupied as a place of abode by one or more persons.

(2) "Hotel/motel" means any dwelling licensed as such by the State Fire Marshal and kept, used, maintained, advertised or held out to the public to be a place where food is served and sleeping accommodations are offered for pay to transient guests, in which six or more rooms are used for the accommodations of such guests, and having one or more dining rooms directly accessible from within the building.

(3) "Rooming house" means a dwelling occupied by one or more persons in which three or more rooms are kept, used, maintained, advertised or held out to the public to be a place where sleeping accommodations are offered for pay.

(b) Guest Register Required.

(1) A guest register shall be maintained at all times and the hotel, motel or rooming house operator shall require each person to whom a room is let for occupancy to sign both name and address in the register prior to renting or occupying the same. In the case of husband and wife, one person may sign for both. A parent or guardian may sign for children in their care.

(2) The operator in charge at the time of signing shall note opposite the name of each guest the room number or numbers of the room or rooms assigned for occupancy and the time and date of beginning such occupancy. When a guest relinquishes occupancy, the operator in charge shall note in the register the time and date of leaving. All entries shall be in ink and shall not be in any manner, erased, obliterated or defaced.

(3) The guest register shall be available for inspection for six months following the date of entry in the register.

(c) Register to be Open for Inspection. Guest registers shall at all times be open for inspection by members of the Police and Fire Departments and Building Division for the purposes of conducting investigations pursuant to the Codified Ordinances of the City or the Ohio Revised Code.

(Ord. 87-51. Passed 4-23-87.)

(d) Whoever violates this section is guilty of a minor misdemeanor.

GO-14-002 Leave Time Limits SIGNED.pdf



**BLUE ASH, OHIO
POLICE DEPARTMENT**

DATE OF ISSUE:

12/22/2014

EFFECTIVE DATE:

01/03/2015

NO.

GO-14-002

GENERAL ORDER

LEAVE TIME LIMITS

TIME PERIOD IN EFFECT

UNTIL FURTHER NOTICE

DIRECTED TO:

ALL POLICE DEPARTMENT PERSONNEL

ATTACHMENT(S):

☐ YES

☒ NO

Purpose:

The purpose of this order is to allow the Department to best manage our work schedule with the current numbers of personnel available to us.

Orders:

For purposes of this order, leave includes vacation leave, compensatory time leave, and military leave.

Five patrol section officers are permitted leave at any one time.

Two full-time dispatchers are permitted leave at any one time.

Off days that are contiguous to leave requests will be considered leave time for the purposes of determining the number of officers or dispatchers on leave.

By Order Of:

Paul W. Hartinger - Chief of Police

12/22/14
Date

OCLEAC Standard 1.pdf



OHIO COLLABORATIVE LAW ENFORCEMENT AGENCY CERTIFICATION

STANDARDS COMPLIANCE CHECKLIST

Standard Number: 1

USE OF FORCE Employees may only use the force which is reasonably necessary to affect lawful objectives including: affecting a lawful arrest or overcoming resistance to a lawful arrest, preventing the escape of an offender, or protecting or defending others or themselves from physical harm.

USE OF DEADLY FORCE The preservation of human life is of the highest value in the State of Ohio. Therefore, employees must have an objectively reasonable belief deadly force is necessary to protect life before the use of deadly force. Deadly force may be used only under the following circumstances: 1. To defend themselves from serious physical injury or death; or 2. To defend another person from serious physical injury or death; or 3. In accordance with U.S. and Ohio Supreme Court decisions, specifically, *Tennessee v. Garner* and *Graham v. Connor*.

☐ 1.1 Policy Statements

A directive establishes the agency's use of force and use of deadly force policy statements and

- ☐ a. agency sworn personnel are issued copies of the agency's use of force and use of deadly force policy statements.
- ☐ b. agency sworn personnel are annually trained and tested on use of force and use of deadly force policy statements.
- ☐ c. agency provides documentation showing compliance.

Comments: _____

☐ **1.2 Training**

A directive states the agency's policy on use of force and use of deadly force training and

- ☐ a. agency sworn personnel are issued copies of the agency's use of force and use of deadly force training policy.
- ☐ b. agency sworn personnel are annually trained and tested on the agency's use of force and use of deadly force training policy.
- ☐ c. agency provides documentation showing compliance.

Comments: _____

☐ **1.3 Reporting**

A directive requires a written report be taken when there is a use of force or use of deadly force incident and

- ☐ a. agency sworn personnel are issued copies of the agency's use of force and use of deadly force reporting policy.
- ☐ b. agency sworn personnel are annually trained and tested on the agency's use of force and use of deadly force reporting policy.
- ☐ c. agency provides documentation showing compliance.

Comments: _____

☐ **1.4 Reviews/investigations**

A directive requires each use of force and use of deadly force report is reviewed/investigated by a defined level of authority to determine compliance with agency policies and

- ☐ **a.** agency sworn personnel are issued copies of the agency's use of force and use of deadly force reviews/investigations policy.
- ☐ **b.** agency sworn personnel are annually trained and tested on the agency's use of force and use of deadly force reviews/investigations policy.
- ☐ **c.** agency provides documentation showing compliance.

Comments: _____

OCLEAC Standard 2.pdf



OHIO COLLABORATIVE LAW ENFORCEMENT AGENCY CERTIFICATION

STANDARDS COMPLIANCE CHECKLIST

Standard Number: 2

AGENCY EMPLOYEE RECRUITMENT AND HIRING The goal of every Ohio law enforcement agency is to recruit and hire qualified individuals while providing equal employment opportunity. Ohio law enforcement agencies should consist of a diverse workforce. Communities with diverse populations should strive to have a diverse work force that reflects the citizens served.

Non-discrimination and equal employment opportunity is the policy. Law enforcement agencies shall provide equal terms and conditions of employment regardless of race, color, religion, sex, sexual orientation, gender identity, age, national origin, veteran status, military status, or disability. This applies to all terms or conditions associated with the employment process, including hiring, promotions, terminations, discipline, performance evaluations, and interviews.

Agencies should utilize due diligence in ensuring that their prospective employees have the proper temperament, knowledge and attitude to handle this very difficult job. Agencies should have appropriate mechanisms in place in order to achieve this mission. Further, agencies should ensure their employment requirements are related to the skills that are necessary to be a successful employee.

☐ **2.1 Policy statement**

A directive establishes the agency's recruitment and hiring policy statement for sworn personnel and

- ☐ **a.** agency personnel that are involved in recruitment and hiring activities are issued copies of the agency's employee recruitment and hiring policy statement.
- ☐ **b.** agency personnel that are involved in recruitment and hiring activities are annually trained and tested on the agency's employee recruitment and hiring policy statement.
- ☐ **c.** agency provides documentation showing compliance.

Comments: _____

☐ **2.2 Recruitment plan**

A directive establishes the agency's recruitment plan for sworn personnel and

- ☐ a. agency personnel that are involved in recruitment and hiring activities are issued copies of the agency's recruitment plan.
- ☐ b. agency personnel that are involved in recruitment and hiring activities are annually trained and tested on the agency's recruitment plan.
- ☐ c. agency provides documentation showing compliance.

Comments: _____

☐ **2.3 Employee recruitment and hiring equal employment opportunity plan**

A directive states the agency's plan on equal employment opportunity for sworn personnel and

- ☐ a. agency personnel that are involved in recruitment and hiring activities are issued copies of the agency's equal employment opportunity plan.
- ☐ b. agency personnel that are involved in recruitment and hiring activities are annually trained and tested on the agency's equal employment opportunity plan.
- ☐ c. agency provides documentation showing compliance.

Comments: _____

☐ **2.4 Employee recruitment and hiring qualifications**

A directive establishes the agency's qualifications for sworn applicants and

- ☐ **a.** agency personnel that are involved in recruitment and hiring activities are issued copies of the agency's employee recruitment and hiring qualifications.
- ☐ **b.** agency personnel that are involved in recruitment and hiring activities are annually trained and tested on the agency's employee recruitment and hiring qualifications.
- ☐ **c.** agency provides documentation showing compliance.

Comments: _____

☐ **2.5 Application process**

A directive establishes the agency's sworn application process including but not limited to physical examinations, emotional/psychological examinations, and background checks and

- ☐ **a.** agency personnel that are involved in recruitment and hiring activities are issued copies of the agency's application process.
- ☐ **b.** agency personnel that are involved in recruitment and hiring activities are annually trained and tested on the agency's application process.
- ☐ **c.** agency provides documentation showing compliance.

Comments: _____

☐ **2.6 Selection process**

A directive establishes the agency's selection process for hiring sworn personnel and

- ☐ **a.** agency personnel that are involved in recruitment and hiring activities are issued copies of the agency's selection process.
- ☐ **b.** agency personnel that are involved in recruitment and hiring activities are annually trained and tested on the agency's selection process.
- ☐ **c.** agency provides documentation showing compliance.

Comments: _____

☐ **2.7 Annual review/analysis of recruitment and hiring process**

A directive requires the agency to conduct a documented annual review/analysis of its sworn personnel recruitment and hiring process and

- ☐ **a.** agency personnel that are involved in recruitment and hiring activities are issued copies of the agency's selection process.
- ☐ **b.** agency personnel that are involved in recruitment and hiring activities are annually trained and tested on the agency's annual review/analysis of recruitment and hiring process.
- ☐ **c.** agency provides documentation showing compliance.

Comments: _____

Agency Name: _____ ORI # _____

Agency Contact: _____ Contact # _____

JFS-01672.PDF

Ohio Department of Job and Family Services
VOLUNTARY MEDICAL HISTORY FOR SAFE HAVENS

County		Today's Date																																								
Child's First Name		Birth Date	Check all that apply <input type="checkbox"/> African American <input type="checkbox"/> Hawaiian/Pacific Islander <input type="checkbox"/> Native American																																							
<input type="checkbox"/> Male	<input type="checkbox"/> Female	Time of Birth	<input type="checkbox"/> Asian <input type="checkbox"/> Hispanic/Latino <input type="checkbox"/> Other _____ <input type="checkbox"/> Caucasian																																							
ABOUT THE PREGNANCY																																										
While pregnant did you have any of the following conditions and/or were you exposed to any of the following: <i>(Please check the box that applies to you.)</i>																																										
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Was the baby born? <input type="checkbox"/> At Home <input type="checkbox"/> At the Hospital <input type="checkbox"/> Other: please explain																																										
Was the baby premature? <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Not sure If Yes, how many weeks premature?		Did you receive pre-natal care? <input type="checkbox"/> Yes <input type="checkbox"/> No																																								
Did you take prescribed medication(s) during your pregnancy? <input type="checkbox"/> Yes <input type="checkbox"/> No If yes, what?		Did you take over-the-counter medication(s) during your pregnancy? <input type="checkbox"/> Yes <input type="checkbox"/> No If yes, what?																																								
This form is being provided to you in order to obtain medical information about your child. The form may be fully or partially completed, and may be completed at the same time as delivering the child and no legal consequence will result from failure to complete any part of this or at a later time. This form is completely voluntary.																																										

GO-15-003 Heroin Task Force.pdf



**BLUE ASH, OHIO
POLICE DEPARTMENT**

DATE OF ISSUE:

7/30/2015

EFFECTIVE DATE:

7/30/2015

NO.

GO-15-003

GENERAL ORDER

HEROIN TASK FORCE COORDINATION

TIME PERIOD IN EFFECT

UNTIL FURTHER NOTICE

DIRECTED TO:

ALL POLICE DEPARTMENT PERSONNEL

ATTACHMENT(S):

☒ YES ☐ NO

Purpose:

The purpose of this order is to aid the Opiate/Heroin Task Force of the Hamilton County Heroin Coalition in their investigation into the heroin epidemic in the Cincinnati area.

Background:

The Hamilton County Heroin Coalition began work on May 1, 2015. The Opiate/Heroin Task Force (OHTF) is staffed by law enforcement officers from across the county. OHTF investigators will respond to a fatal suspected opiate overdose when certain criteria are met.

Another key part of this effort is information sharing, which is coordinated by the Greater Cincinnati Fusion Center, which is responsible for tracking trends related to heroin use. Dispatcher Kevin Deye is our contact with the Fusion Center.

Order:

Officers investigating cases of suspected opiate overdoses will follow the Hamilton County Heroin Coalition Task Force's Law Enforcement Protocol, which is attached to this General Order.

Sergeants are responsible for ensuring that Disp. Deye is aware of reports pertaining to heroin-related arrests and overdoses that occur during shifts that they supervise. Disp. Deye is responsible for compiling this information and forwarding it to the Greater Cincinnati Fusion Center for analysis and distribution to the Heroin Task Force.

By Order Of:

Paul W. Hartinger - Chief of Police

Date

HAMILTON COUNTY HEROIN COALITION

HAMILTON COUNTY, OHIO HEROIN-INVOLVED DEATH AND NON-FATAL OVERDOSE INVESTIGATION: LAW ENFORCEMENT PROTOCOL



Established April 2015

For Official Use Only – Sensitive Law Enforcement Investigatory Materials

PURPOSE

Federal, State and local law enforcement agencies recognize that the heroin overdose death epidemic requires a coordinated response from law enforcement, civic leaders, the medical community and social service agencies. The **Hamilton County Heroin Coalition (HCHC)** was formed to address this problem by combining resources and developing a consistent investigative response to heroin-involved deaths. The HCHC will provide a platform for collaboration between numerous county agencies working on addressing the heroin / opiate addiction problem. This coalition will utilize best practices, unite and focus resources, support legislative change, provide education and increase public awareness.

GOALS

The efforts planned by HCHC have the potential to greatly impact the county-wide and regional heroin epidemic by reducing:

- 1) Heroin/Opiate-related deaths
- 2) Non-fatal heroin/opiate overdoses
- 3) Hepatitis C / HIV infections from illegal drug use
- 4) Neonatal Abstinence Syndrome incidents
- 5) The presence of opioids within the Hamilton County Justice Center
- 6) The illegal use of prescription drugs by students (Grades 7 – 12)

STATISTICS

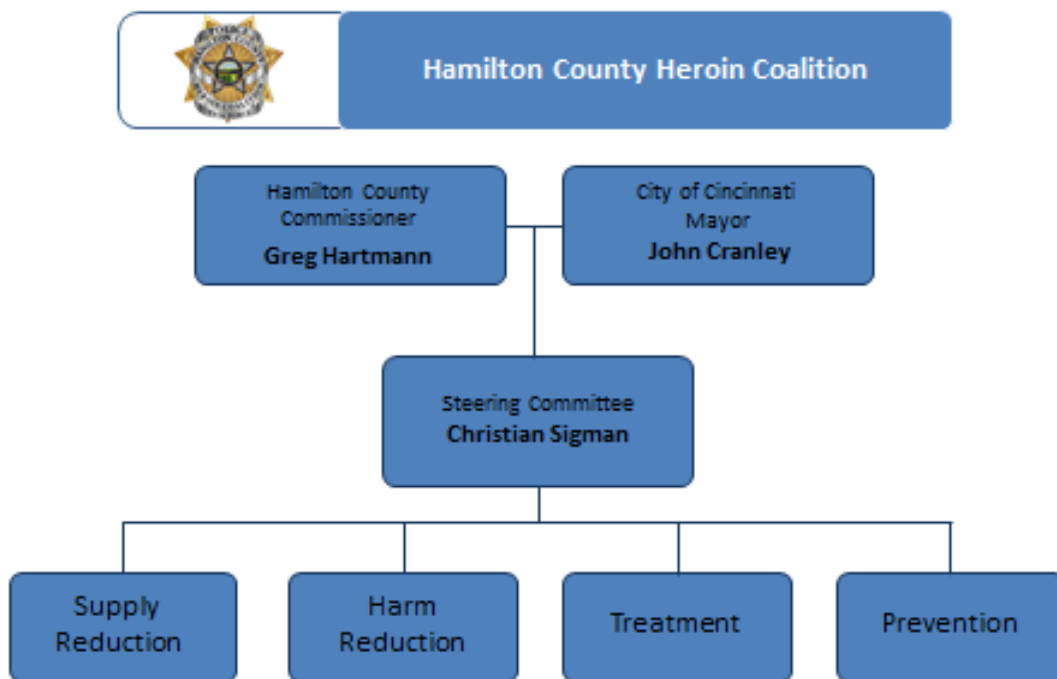
According to the Hamilton County Coroner's Office, in 2014 there were 177 heroin-involved deaths; of those, 84 deaths can be attributed to heroin overdose. In 2013 there were 182 heroin-involved deaths, 82 of which were attributed to heroin overdose. The table below compares heroin-involved deaths to total homicides within Hamilton County, for the years 2013 and 2014:

Comparison of Heroin-involved Deaths to Homicides in Hamilton County					
Year	Number of Heroin- involved Deaths	Number of those deaths attributed to Heroin OD	Percentage attributed to Heroin OD	Homicides in Hamilton County	Difference between heroin-involved deaths and homicides
2014	177	84	52.5%	87	+ 50.8%
2013	182	82	54.9%	95	+ 47.8%

ORGANIZATIONAL COMPONENTS

The HCHC is a collaborative effort with full support and backing by the Hamilton County Board of County Commissioners and City of Cincinnati. A Steering Committee, headed by the Hamilton County Administrator, was established and organized into four main components:

- 1) **Supply Reduction** – This element focuses on the initial response and investigation of a heroin/opiate-involved death or overdose, with the ultimate goal being prosecution of the source dealer on State and/or Federal charges.
- 2) **Harm Reduction** – An intricate part of combating the epidemic is the coordination of resources, proper training and public education.
- 3) **Treatment** – Many addicts are either unaware of what services are available to them, or unable to receive treatment due to extensive waiting lists at facilities. This component focuses on increasing the opportunity and likelihood of receiving treatment.
- 4) **Prevention** – Preventing substance abuse is key to impacting the epidemic, saving lives and decreasing costs.



SUPPLY REDUCTION (Enforcement Component)

OPIATE HEROIN TASK FORCE (OHTF)

The Opiate Heroin Task Force (OHTF) is a major facet of the enforcement component. The OHTF is staffed by certified law enforcement officers from both county and municipal agencies in Hamilton County, who will respond to investigate any qualifying heroin-involved death.

Goal

Initiate an immediate and focused investigation which targets the source dealer of the heroin that lead to an overdose death, and ultimately prosecute the source dealer on applicable State of Ohio and Federal charges.

OHTF Members

<u>Title</u>	<u>Name</u>	<u>Agency</u>	<u>Email Address</u>
Sergeant	Mike Steers	Hamilton County Sheriff's Office	MSteers@sheriff.hamilton-co.org
Corporal	Mark Bohan	Hamilton County Sheriff's Office	MBohan@sheriff.hamilton-co.org
Corporal	Shawn Cox	Hamilton County Sheriff's Office	SCox@sheriff.hamilton-co.org
Police Specialist	Carrie Heuser	Cincinnati Police Department	Carrie.Heuser@cincinnati-oh.gov
Police Officer	Chris Clarkson	Cincinnati Police Department	Chris.Clarkson@cincinnati-oh.gov
Lieutenant	Tom Fallon	Norwood Police Department	TFallon@norwoodpolice.org
Agent	Josh Schlie	Bureau of Criminal Identification	Joshua.Schlie@attorneygeneral.gov
Sergeant	Nate Ward	OSHP	NAWard@dps.ohio.gov

INCIDENT RESPONSE

When a first responder (police, fire, coroner) arrives at the scene of a death investigation where a heroin/opiate overdose is suspected as the possible cause of death, they must determine if there is enough evidence at the scene to warrant OHTF response. A "Patrol Officer Checklist & Matrix" has been developed for officers to use in making that determination. If enough evidence exists, the following process will be followed:

Procedure

1. The participating agency will call the duty phone of the OHTF to initiate their response.
2. An agent from the OHTF will respond, and an investigation into the heroin source will be initiated at the scene of the death, when possible.
3. The first responder will complete the Checklist & Matrix, documenting as much pertinent information as possible, and provide it to the OHTF investigator.
4. Uniformed officers will attempt to identify any witnesses and will identify them to responding OHTF agents for a thorough interview.
5. Responding uniformed officers and OHTF agents will place an emphasis on developing information from witnesses that could assist in the identification of the source of supply for the heroin/opiate involved.
 - a. Officers and agents should attempt to establish a rapport with any witness and avoid rushing to arrest for minor drug related offenses or discussing possible criminal charges they could face.
6. The jurisdiction's uniformed officer(s) will complete a DOA incident report in compliance with their agency's policies and procedures.
 - a. If the OHTF is the primary investigating unit, they will maintain the investigative file and keep the law enforcement agency apprised of the status of the investigation.
 - b. If OHTF agents are assisting an investigator from the jurisdiction where the offense may have occurred, the OHTF agents will add supplemental reports as needed.
7. Should no uniformed officers be present at the scene of a suspected heroin/opiate overdose death, OHTF agents will request one from that jurisdiction.
8. OHTF agents will work together, sharing intelligence and assets. The OHTF will also share intelligence with various agencies, including but not limited to:
 - a. Hamilton County Fusion Center
 - b. Drug Abuse Reduction Task Force (DART)
 - c. Hamilton County Sheriff's Office Regional Narcotics Unit (RENU)
 - d. Cincinnati Police Department Narcotics Unit

- e. Ohio Bureau of Criminal Investigation (BCI)
 - f. Drug Enforcement Administration (DEA)
 - g. Federal Bureau of Investigation (FBI)
9. The OHTF will provide a list of agents assigned to the unit and their individual contact information to all law enforcement agencies and communication centers in Hamilton County.
10. Should it become suspected that a homicide has occurred in which heroin/opiate played a part, the OHTF will immediately contact the law enforcement agency having jurisdiction and if possible, refer the case to their homicide unit or proper investigative unit.

Evidence Processing

If the OHTF is the primary investigating unit, all evidence related to the death investigation will be recovered by the OHTF. Unless conditions present a risk of damage or destruction of evidence, it shall remain undisturbed until recovered by the OHTF. The OHTF will be responsible for maintaining and processing the evidence. Appropriate items will be forwarded to the Hamilton County Coroner's Crime Laboratory for analysis.

Prosecution

The OHTF will consult with an assigned prosecutor from the Hamilton County Prosecutor's Office throughout the investigation process. Focus will be on prosecuting the source dealer on applicable State of Ohio charges, including but not limited to: Involuntary Manslaughter (ORC 2903.04) and Corrupting Another with Drugs (ORC 2925.02). Completed cases may also be submitted to the United States Attorney's Office for review of applicable Federal Death Enhancement specifications.

Media Inquiries

Any media inquiries regarding an OHTF case will be directed to the public information officer (PIO) of the law enforcement agency having jurisdiction over the location of the death. That law enforcement agency and the OHTF unit will be made aware of all inquiries in a timely manner.

Non-fatal Heroin/Opiate Overdose – Will follow the same procedure as overdose death investigations.

DISCLAIMER

It is understood by all entities that the initial investigation is of a “suspected” heroin/opiate involved death. The Hamilton County Coroner’s Office will conduct an autopsy of the deceased and review toxicology results from blood and other fluids recovered. The Hamilton County Coroner’s Office will then issue a final cause of death. That final ruling may reveal that heroin/opiate was NOT the cause of death.

Conversely, the Hamilton County Coroner’s Office may determine an individual has died from an overdose of heroin when that was previously unsuspected. This could be caused by individuals concealing or destroying evidence prior to the arrival of law enforcement, medical personnel and the Coroner’s Office. Individuals may also have died in a manner that appeared to have been natural causes but was later revealed at autopsy and/or through toxicology to have been a heroin/opiate overdose.

The goal of the OHTF unit and supporting agencies is to continually refine the process of initial determination of a suspected heroin related death and the investigative response. It is fully expected that this document will be revised as those adjustments are made.

This protocol and investigative effort is a work in progress and subject to modification at the direction of the governing board, should this proposal be adopted as an Ohio Organized Crime Investigation Commission (OOCIC) Task Force.

TREATMENT & PREVENTION RESOURCES

COMMUNITY RECOVERY PROJECT

Recovery Health Access Center: (513) 281-7422

Community Outreach Education: (513) 580-4941

www.communityrecoveryproject.org

Mission - To carry the message that addiction is a disease for which there is no cure, but there can be recovery. In carrying that message to our community, we share education and resources at community meetings promoting dialogue, and making information readily available to those seeking assistance.

CENTER FOR CHEMICAL ADDICTIONS TREATMENT

830 Ezzard Charles Dr., Cincinnati, OH 45214

(513) 381-6672

www.ccatssober.org

Mission - to save lives and rebuild families by providing tools for lifelong sobriety and recovery thereby reducing the costs to our community caused by untreated chemical addictions.

BRIGHT VIEW HEALTH

2300 Wall Street, Suite F, Cincinnati, OH 45212

(513) 834-7063

www.brightviewhealth.com

Vision - To become a leading provider of substance abuse treatment in the Greater Cincinnati area, with expansion potential throughout the tri-state of Ohio, Kentucky, and Indiana. BrightView will focus on comprehensive, evidence-based, chemical dependency treatment that produces superior outcomes. This will be achieved through optimal clinical care, modern techniques and medications, utilization of innovative technology, and respect for our patients and their disease.

PREVENTION FIRST!

2330 Victory Parkway, Suite 703, Cincinnati, OH 45206

(513) 751-8000

www.prevention-first.org

Mission – To promote healthy behaviors by sparking and sustaining community change.

Vision – That people make healthy choices in every stage of life.

RESOURCES (continued)

ADDICTION SERVICES COUNCIL

2828 Vernon Place, Cincinnati, OH 45219

(513) 281-7880

www.addictionservicescouncil.org

Mission - Our vision is to help build a community that is both free of the abuse of alcohol and other drugs as well as the disease of addiction.

DRUG FREE ACTION ALLIANCE (DFAA)

6155 Huntley Road #H, Columbus, OH 43229

(614) 540-9985

www.drugfreeactionalliance.org

Mission – Leading the way in promoting healthy lives through the prevention of substance abuse and related problems.

ONLINE RESOURCES

- 1) Partnership for Drug-Free Kids
www.drugfree.org
Helpline: 1-855-DRUGFREE
- 2) Narcotics Anonymous
www.nacincinnati.com
(513) 820-2947
- 3) National Council on Alcoholism & Drug Dependence
www.ncadd.org
- 4) Drug Enforcement Administration
www.dea.gov
- 5) Get Smart About Drugs
www.getsmartaboutdrugs.com



Hamilton County Heroin Coalition
Opiate Heroin Task Force

Officer/Badge: _____
Agency: _____
DOA Location: _____

Patrol Officer Checklist & Matrix

- ☆ Use this checklist when on the scene of a death investigation where heroin / opiate overdose is suspected as the possible cause of death or if you have any questions.
- ☆ Enter the appropriate point value to each category that applies. If the total score is **13** or more, contact the HCHCTF at **513-400-7267** to respond to the scene for investigation.

**POINT
VALUE**

FACTS

SCORE

Victim/Offender Considerations

5	The victim is confirmed deceased; Date: _____ Time: _____ Pronouncing authority: _____	
8	There are witnesses present at the crime scene that are willing to speak with investigators	
5	There are witnesses known to have been present that can be identified for investigators to locate and interview	
7	A possible suspect can be identified as having provided the heroin/opiate to the victim, identified as destroying evidence, altering the crime scene, etc.	
8	A suspect/witness is in custody (charged with any violation of the law or held on open warrants/capias)	

Crime Scene Considerations

3	There is the physical presence of illegal controlled substances (heroin, opiate, prescription pills in unapproved containers, etc.)	
3	There is the physical presence of illegal drug paraphernalia or drug abuse instruments (syringes, scales, packaging material, etc.)	
5	There are cellular telephones available for law enforcement to legally seize and hold	
3	There are materials that can be seized that could reasonably provide fingerprints or DNA (drink containers, cigarette butts, any smooth surface likely to have been touched by a suspect)	
5	There is possible video surveillance available of the crime scene area that could show the suspect(s) or who was with the victim	
1	There is social media available that speaks to the incident being investigated (Twitter, Facebook, etc)	

TOTAL SCORE: _____

GO 07-001.pdf

Effective Date: 1/15/07
General Order Number: 07-001
Attachments: ☐ Yes ☒ No

BLUE ASH POLICE DEPARTMENT
GENERAL ORDERS/DIRECTIVES

Directed To: All Sworn Police Personnel

Subject: Citations to Mayor's Court

Time Period to be in effect: Immediately and Until Further Notice

By Order of:


Chris D. Wallace, Chief of Police

Date Signed:

1/11/07

In order to better facilitate efficient operation of the police department, officers will cite all adult misdemeanor and traffic offenses to the Blue Ash Mayor's Court when there is an applicable ordinance in the Blue Ash Municipal Code, unless directed otherwise by a supervisor.

Exceptions to this order are traffic citations for OMVI and Driving Under Suspension, which must be cited to the Hamilton County Municipal Court.

**GO-15-001 Suspension of
Enforcement BACO 705 SIGNED.pdf**



**BLUE ASH, OHIO
POLICE DEPARTMENT**

DATE OF ISSUE:

5/28/2015

EFFECTIVE DATE:

5/28/2015

NO.

GO-15-001

GENERAL ORDER

SUSPENSION OF ENFORCEMENT – Chapter 705 BACO

TIME PERIOD IN EFFECT

UNTIL FURTHER NOTICE

DIRECTED TO:

ALL POLICE DEPARTMENT PERSONNEL

ATTACHMENT(S):

 X YES NO

Purpose:

The purpose of this order is to protect the Department from potential civil liability.

Orders:

Effective immediately, officers will not make arrests or issue misdemeanor citations for violations of any section of Chapter 705 of the Blue Ash Codified Ordinances, with the exception of Ordinance 705.08.

The City Solicitor is reviewing Chapter 705 for possible amendments by City Council.

BACO Chapter 705 is attached with ordinance 705.08 highlighted for reference.

Reference cases:

Dayton Bar Ass'n v. Prear, 175 Ohio St. 543, 548, 196 N.E.2d 773 (1964)

New Jersey Citizen Action v. Edison Township, 797 F.2d 1250, 1263-64 (N.D. Ohio 1986)

Watchtower Bible and Tract Soc'y of N.Y. Inc. v. Vill. Of Stratton, 536 U.S. 150, 169 (2002).

Ohio Citizen Action v. City of Mentor-On-The-Lake, 272 F. Supp. 2d 671, 679 (N.D. Ohio 2003)

Ohio Citizen Action v. City of Englewood, 671 F.3d 564, 571 (6th Cir. 2012)

By Order Of:

Paul W. Hartinger - Chief of Police

5/28/15

Date

CHAPTER 705
Vendors, Solicitors and Peddlers

- 705.01 Definitions**
- 705.02 Registration and license required.**
- 705.03 Application for certificate; exemptions; investigation**
- 705.04 Issuance of license.**
- 705.05 Appeal of denial.**
- 705.06 Display of registration and license.**
- 705.07 Restrictions.**
- 705.08 Trespassing in violation of posted signs.**
- 705.09 Revocation of certificate.**
- 705.10 Appeal procedure for revocation of seizure.**
- 705.99 Penalty.**

CROSS REFERENCES

Power to inspect food products – see Ohio R.C. 715.46
Power to regulate – see Ohio R.C. 715.61 et seq.
Home solicitation sales – see Ohio R.C. 1345.21 et seq.
Charitable solicitations – see Ohio R.C. Ch. 1716

705.01 DEFINITIONS.

As used in this chapter:

(a) "Canvassing", "soliciting" or "peddling", unless expressly provided for otherwise, means traveling from door to door within the City, without having a previous appointment to visit the residence or residences for the purpose of exposing or offering for inspection for sale, goods, wares, merchandise, foodstuffs or any other property, tangible or intangible, of any nature whatsoever, or services, or for the purpose of taking or attempting to take orders for the purchase of goods, wares, merchandise, foodstuffs or other property, tangible or intangible, of any nature whatsoever, for future delivery, or for services to be furnished or performed in the future whether directly for the resident, business or on an indirect or "group" basis. "Canvassing", "soliciting" or "peddling" also means the soliciting of funds or other property for charitable or other purposes anywhere within the City. The solicitation by a newspaper carrier of customers for a newspaper which he regularly delivers or will regularly delivers shall not be included in this definition.

(b) "Canvasser", "solicitor" or "peddler" means any person who engages in canvassing, soliciting or peddling.

(c) "Person" means any individual, association, partnership or corporation or the operator or the agent of such person.

(d) "Designee" means the Assistant City Manager or, in his absence, the Chief of Police to enforce the provisions of this chapter.

(Ord. 2002-107. Passed 11-14-02.)

705.02 REGISTRATION AND LICENSE REQUIRED.

(a) No person shall canvass or solicit within the City without first registering at the Police Department and obtaining a license. A separate registration shall be made for every solicitor, agent or employee soliciting or canvassing within the City. Organizations which may have more than one registrant canvassing or soliciting on their behalf in the City need only obtain one license for the organization after each solicitor, agent or employee has been registered with the Police Department.

(b) Any person under the age of 18 years who is soliciting, peddling, or canvassing door to door within the community must be accompanied by a parent, guardian, or supervising adult. Such parent, guardian or supervisory adult shall have a photo identification with him or her at all times.

(Ord. 2002-107. Passed 11-14-02.)

705.03 APPLICATION FOR CERTIFICATE; EXEMPTIONS; INVESTIGATION.

(a) Each applicant for a certificate of registration and license shall, not less than forty- eight hours prior to commencement of solicitation furnish the Police Department with the following information on forms provided by the City.

- (1) Name, age, physical description of applicant, and social security number.
- (2) Complete permanent and local address of applicant.
- (3) Name and address of the person, firm, corporation or association for whom the solicitation is presently being made.
- (4) A description of the nature of the business and the goods, services or wares to be sold or sufficient description to identify the subject matter of the soliciting in which the applicant will engage.
- (5) The name of any municipality in which the applicant has conducted soliciting activities during the past thirty (30) days.
- (6) Whether the applicant has complied with the requirements of Ohio R.C. Chapter 1716 pertaining to charitable solicitations if applicable.
- (7) The proposed dates and times of the solicitations and the routes to be followed in conducting same.
- (8) The make, model, year, color and license plate number of vehicles used by the applicant during the period of solicitation within the City and the number of applicant's drivers license and state of issuance.
- (9) A statement as to whether or not the applicant or any agent of the applicant who will be canvassing, soliciting, or peddling within the community, has been convicted of any crime, misdemeanor, or a violation of any municipal ordinance similar to this ordinance, the nature of the offense and the punishment or penalty assessed therefore.
(Ord. 2002-107. Passed 11-14-02.)
- (10) A copy of the contract provided to the buyer by the seller and all transactions defined as a home solicitation sale in Section 709.01 herein. The contract shall be in compliance with Section 709.03 herein.
(Ord. 2003-36. Passed 5-8-03.)

(b) Upon receipt of the completed application by the Chief of Police, the Chief of Police shall cause an investigation of the applicant's, or applicant's agents, business and moral character to be made as the Chief may deem necessary for the protection of the public good. If the Chief of Police's review of the application determines that any applicant or agent of the applicant has been convicted of a crime of moral turpitude; any crime of violence which may present a danger to the public; any sex offense crime or drug offense, the application or the right of any agent of the applicant to solicit or canvass in the community may be denied. If such application is denied, the Chief of Police shall endorse such denial upon the application and state the reasons for the same and return the application to the applicant with a copy to the Assistant City Manager.

(c) Each applicant shall, prior to receiving a registration and license certificate, pay registration fees of forty-five dollars (\$45.00) for a temporary license valid for fifteen (15) calendar days or two hundred fifty dollars (\$250.00) for an annual license for each soliciting organization based upon the duration of solicitation period and such registration shall automatically terminate upon the expiration of such time period. This fee shall not apply to an employee of any person maintaining a regularly established, bona fide place of business within the City, nor to any person taking

orders for farm products of his own raising in the City.

(d) Any charitable organization is exempt from paying the registration fee set forth herein. The term "charitable organization" includes any patriotic, philanthropic, religious, social service, welfare, benevolent, political, educational, civic or fraternal organization either actual or purported.

(e) All annual licenses issued under this chapter shall expire twelve (12) months from the date of approval.

(Ord. 2002-107. Passed 11-14-02.)

705.04 ISSUANCE OF LICENSE.

(a) Issuance of License. The Assistant City Manager or in his absence, the Chief of Police, shall except as otherwise provided herein, issue a license to each applicant unless it is determined by the Chief of Police:

- (1) The applicant has not supplied all requested information.
- (2) That the applicant has misrepresented his identity or intention or made a false, misleading or deceptive statement in providing the information required under Section 705.03.
- (3) That the applicant has previously violated any provision of this chapter.
- (4) Evidence exists that indicates granting a license would create a threat to the public, peace, health, safety and welfare of the City.

(b) Transfer. The license issued hereunder shall not be transferred or assigned or used by any person other than the person to whom issued.

(Ord. 2002-107. Passed 11-14-02.)

705.05 APPEAL OF DENIAL.

If an application has been denied as stated herein, the applicant may appeal such denial within ten days after written notice of such denial to the City Manager. The City Manager, or his or her designee, may then hold a hearing at which the applicant may present appropriate evidence to substantiate their fitness and moral character, or to refute the findings of the Assistant City Manager or Chief of Police to allow the City Manager to consider whether or not to overrule the disapproval of the application or to uphold the decision of the Chief of Police. For good cause shown, the City Manager may overrule the Chief of Police and grant the applicant's permit. If the City Manager fails to render a decision on the denial of the application within ten (10) business days from the date the applicant files the appeal, then the decision of the Assistant City Manager or Chief of Police shall be deemed to be overruled and the permit granted.
(Ord. 2002-107. Passed 11-14-02.)

705.06 DISPLAY OF REGISTRATION AND LICENSE.

Each registrant shall carry the registration certificate and license at all times when in the City and shall exhibit it to any resident or City official upon request.

(Ord. 2002-107. Passed 11-14-02.)

705.07 RESTRICTIONS.

Every person to whom a registration and license is issued under the terms of this chapter shall be governed by the following rules and regulations:

(a) All circulars, samples or other matter shall be handed to an occupant of the property or left in a secure place on the premises.

(b) No person subject to the provisions of this chapter shall canvass or solicit, except between the hours of 9:00 a.m. and 8:00 p.m. Eastern Standard Time, and 9:00 p.m. Eastern Daylight Savings Time.

(c) No canvasser or solicitor shall enter or attempt to enter the house or apartment of any resident in the City without an express invitation from the occupant of the house or apartment.

(d) No person, subject to the terms of this chapter shall make any false, fraudulent, misleading or deceptive statement during the course of that person's soliciting activity within the City.

(e) No person subject to this chapter shall make any solicitation where solicitors are notified by sign that soliciting is prohibited as provided in Section 705.08.

(f) No canvasser or solicitor shall engage in or transact any type of business or solicitation other than that specified on the registration certificate.

(Ord. 2002-107. Passed 11-14-02.)

705.08 TRESPASSING IN VIOLATION OF POSTED SIGNS.

No person while engaged in any profit or nonprofit solicitation, shall leave any written or printed material or knock at the door or ring the bell of any home, apartment, apartment building or other dwelling unit or business location in the City upon which is displayed at the entrance a notice which reads "No Peddlers or Solicitors Allowed", or which otherwise clearly purports to prohibit peddlers or solicitors on the premises, unless such peddler or solicitor is, or has been invited upon the premises by the owner, lessee or occupant thereof.
(Ord. 2002-107. Passed 11-14-02.)

705.09 REVOCATION OF CERTIFICATE AND LICENSE.

A certificate of registration and license issued under this chapter shall be revoked by the Assistant City Manager or in his absence, the Chief of Police, for any of the following causes:

(a) It is subsequently determined that the registrant provided false, misleading or deceptive information in completing the application form set forth in Section 705.03.

(b) The applicant or registrant has not supplied all requested information.

(c) The registrant violates any provision of this chapter.

(d) The registrant is convicted of any crime or misdemeanor involving moral turpitude.

(e) The registrant provides false statements or makes misrepresentations in the course of carrying on the business of soliciting, peddling, or canvassing.

(f) The applicant or registrant conducts the business of soliciting, canvassing or peddling in such a manner as to constitute a breach of peace, or menace to the health, safety or general welfare of the public.

(Ord. 2002-107. Passed 11-14-02.)

705.10 APPEAL PROCEDURE: REVOCATION OF CERTIFICATE AND LICENSE.

(a) If a revocation of certificate and license occurs, the license holder may request an appeal hearing within ten (10) days of receipt of the revocation decision by requesting an appeal in writing to the City Manager.

(b) Notice of the hearing for revocation of permits shall be given in writing setting forth specifically the grounds for such revocation and the time and place of the hearing. The notice shall be mailed, postage prepaid, to the license holder at his or her last known address at least five (5) business days prior to the date set for the hearing.

(c) At such hearing, the City Manager, upon reviewing the evidence presented, may uphold the decision of the Assistant City Manager or Chief of Police to revoke the permit, may modify the decision, or may overrule the decision of the Assistant City Manager or Chief of Police. The City Manager's decision shall be rendered within ten (10) business days of the hearing in writing with a copy mailed, postage prepaid, to the permittee at his or her last known address. Pending a review by the City Manager, the permit shall be temporarily suspended. If the City Manager fails to render a decision within ten (10) business days after the hearing, then the decision of the Assistant City Manager or Chief of Police shall be deemed to be overruled and the permit reinstated. (Ord. 2002-107. Passed 11-14-02.)

705.99 PENALTY.

Whoever violates any provision of this chapter is guilty of a misdemeanor of the fourth degree.
(Ord. 2002-107. Passed 11-14-02.)

JFS-08099.PDF

For more information about Safe Havens, call:

Ohio Department of Job and Family Services
Office of Families and Children

1.866.886.3537

OHIO's SAFE HAVENS FOR NEWBORNS

AN ALTERNATIVE TO LEAVING
INFANTS IN UNSAFE PLACES

John R. Kasich, **Governor**
State of Ohio

Cynthia C. Dungey, **Director**
Ohio Department of Job and Family Services

Office of Communications
JFS 08099 (Rev. 12/2013)

Equal Opportunity Employer and Service Provider



What is Safe Havens for Newborns?

Not all women who get pregnant are ready to raise a child. Sometimes they see no options except to abandon the baby. Safe Havens provides a new option. It allows a birth parent to leave a newborn infant (up to 30 days old) with:

- a **medical worker** in a hospital;
- a **medical worker** at a fire department or other emergency service organization; or
- a **peace officer** at a law enforcement agency.

If the infant is left with a person at one of these places, and has not been abused or neglected, the parent will face no legal consequences for making this choice.

Who can take a newborn to a Safe Haven?

The birth parent (mother or father) can take a child to a Safe Haven. The law provides protection from prosecution only for the child's parents.

Does the birth parent have to call before taking an infant to a Safe Haven?

No. A birth parent may take a newborn to a Safe Haven at any time until the child is 30 days old.

What information will the birth parent have to provide?

The birth parent is not required to provide any information, including his or her name. However, it would help the baby if the birth parent chose to provide basic health information. The birth parent will be offered a form to guide them in providing the most important health information.

What happens next?

If the baby needs medical attention, it will be provided. The professional staff person who accepts the baby will contact the county children services agency, and the baby will be placed in an adoptive home. There are many families who want to adopt a baby.

When a parent cannot care for an infant, leaving the baby at a Safe Haven may be the best choice for the child. If the birth parent is not sure about this decision, an adoption social worker can help by providing information on available options and services for birth parents and their babies. Information is also available by calling:

HELP ME GROW
1-800-755-4769

Any birth parent who wants to raise a baby but doesn't know how may also call the Help Me Grow helpline to get information about caring for and raising children.

GO-23-003 Mayors Court Citations Signed.pdf



**BLUE ASH, OHIO
POLICE DEPARTMENT**

DATE OF ISSUE:
07/13/2023

EFFECTIVE DATE:
07/01/2023

NO.
GO-23-003

GENERAL ORDER

Citations to Mayor's Court

TIME PERIOD IN EFFECT
UNTIL FURTHER NOTICE

DIRECTED TO:
ALL POLICE DEPARTMENT PERSONNEL

ATTACHMENT(S):
☐ YES ☒ NO

Purpose:

The purpose of this order is to state the Department's current position regarding citations to Mayor's Court.

Orders:

In order to better facilitate efficient operation of the police department, officers will cite all adult non-violent misdemeanor and traffic offenses to the Blue Ash Mayor's Court when there is an applicable ordinance in the Blue Ash Municipal Code, unless directed otherwise by a supervisor. These offenses include first time OMVI and Driving Under License Suspension. Exceptions to this order are violators with extensive criminal history, second charge of OMVI and Driving Under License Suspension citations where jail time is required at sentencing. In these cases, officers shall consult with the shift supervisor and cite to the Hamilton County Municipal Court.

General Order GO-07-001 is rescinded.

By Order Of:


Scott D. Noel - Chief of Police

7/13/23
Date

Blue Ash PD Policy Manual

Blue Ash PD Policy Manual

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Blue Ash Police Department

Blue Ash PD Policy Manual

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