1.1.1 Oath of Office

A. All personnel shall be required to take and subsequently abide by an oath of office prior to assuming sworn status.

1. It shall include an oath to enforce all applicable laws and to uphold the constitution of the United States and the State of Ohio.

2. The oath of office shall be administered by the Mayor of the City of Troy and the signed original oath will be placed in the employee's personnel file in the police department.

1.1.2 Code of Ethics

A. All personnel of the Troy Police Department are required to abide by the Canons of Police Ethics adopted by the department.

B. All personnel of the Troy Police Department will receive ethics training once every two years.

CANONS OF POLICE ETHICS

Article 1:
Primary Responsibility of Job

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

Article 2:
Limitations of Authority

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

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

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

Article 4:
Utilization of Proper Means to Gain Proper Ends

The law enforcement officer shall be mindful of his or her responsibility to pay strict heed to the selection of means in discharging the duties of office. Violation of law or disregard for public safety or property on the part of an officer are intrinsically wrong; they are self-defeating in that they install in the public mind a like disposition. The employment of illegal means, no matter how worthy the end, is certain to encourage disrespect for the law and its officers. If the law is to be honored, those who enforce it must first honor it.

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

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

Article 6:
Private Conduct

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

Article 7:
Conduct Toward the Public

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

Article 8:
Conduct in Arresting and Dealing with Law Violators

The law enforcement officer shall use the powers of arrest strictly in accordance with the law and with due regard to the rights of the citizen concerned. Office gives the officer no right to prosecute the violator or to mete out punishment for the offense. The officer shall, at all times, have a clear appreciation of the responsibilities and limitations regarding detention of the violator; officers shall conduct themselves in such a manner as will minimize the possibility of having to use force. To this end, the officer shall cultivate a dedication to the service of the people and the equitable upholding of their laws whether in the handling of law violators or in dealing with the law abiding.

Article 9:
Gifts and Favors

The law enforcement officer, representing government, bears the heavy responsibility of maintaining, in the officers conduct, the honor and integrity of all government institutions. The officer shall, therefore, guard against placing him or herself in a position in which any person can expect special consideration is being given. Thus, the officer should be firm in refusing gifts, favors, or gratuities, large or small, which can, in the public mind, be interpreted as capable of influencing an officer's judgment in the discharge of duty.

Article 10:
Presentation of Evidence

The law enforcement officer shall be concerned equally in the prosecution of the wrongdoer and the defense of the innocent. The officer shall ascertain what constitutes evidence and shall present such evidence impartially and without malice. In so doing, the officer will ignore social, political, and all other distinctions among persons involved, strengthening the reliability and integrity of an officer's word. The law enforcement officer shall take special pains to increase his or her perception and skill of observation, mindful that in many situations the officer is the sole impartial testimony to the facts of a case.

Article 11:
Attitude toward Profession

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

CIVILIAN CODE OF ETHICS

As an employee of the Troy Police Department I regard myself as a member of an important and honorable profession.

I will keep myself in the best physical and mental condition at all times.
I will perform my duties with efficiency to the best of my ability.
I will be truthful at all times. My conduct and performance of duties will be accomplished in an honest manner, and in compliance with the laws; local, county, state and country.
I will adhere to the confidentiality of the Law Enforcement profession.
I will not, in the performance of my duties, work for unethical advantage or personal profit.
I will recognize at all times that I am a public safety employee, and that ultimately I am responsible to the public.
I will give the most efficient and impartial service of which I am capable at all times.
I will be courteous in all my contacts at all times.
I will regard my fellow employees with equality, dignity and respect.
I will be loyal to my fellow employees, my superiors and my agency.
I will accept responsibility for my actions.
I will strive to do only those things that will reflect honor on my fellow employees, my agency and myself.

1.1.3 Agency's Role in Criminal Justice Diversion Programs

N/A by function

1.1.4 Consular Notification

A. When foreign nationals from most countries are arrested or detained, they may, upon request, have their consular officers notified. Foreign nationals of some countries (mandatory notification) must have their consular officers notified of their arrest or detention regardless of their wishes. A list of the mandatory notification countries may be found on the "Consular Notification Process Flow Chart" posted in the temporary processing area, in the Consular Notification and Access Manual found throughout the Department, or by following this link: "Mandatory notification countries."

1. For the purpose of consular notification, a "foreign national" is any person who is not a U.S. citizen. Consular notification and access requirements apply regardless of immigration status. There is no reason, for purpose of consular notification, to inquire into a person's legal status in the United States.

2. Consular notification procedures are not necessary for brief routine detentions, such as for traffic violation or accident investigations.

3. Consular officers are entitled to communicate with and have access to their nationals in detention, and to provide consular assistance to them.

B. The following guidelines are to be followed in regards to consular notification of persons arrested or detained:

1. Determine if the person arrested or detained is a U.S. citizen. The U.S. Department of State highly recommends asking all persons arrested or detained to ensure compliance with consular notification and avoid concerns about discrimination. Check for passports or other travel documents. In the absence of other information, accept the person's own statement as to his or her nationality.

a. It is important to note that possession of a Social Security number or driver's license does not necessarily indicate that a person is a U.S. citizen.

2. **If you determine that the individual is a foreign national <u>and</u> their country is on the mandatory notification list use the following procedure:**

    a. **Notify that country's nearest embassy or consulate without delay, of the arrest or detention.**

    b. **Tell the foreign national that you are making this notification and inform him or her, without delay, that he or she may communicate with his or her consular officers.**

3. **If the foreign national's country is not on the mandatory notification list use the following procedure:**

    a. **Inform the foreign national, without delay, that he or she <u>may</u> have his or her consular officers notified of the arrest or detention and may communicate with them.**

    b. **If the foreign national requests that his or her consular officers be notified, notify the nearest embassy or consulate of the foreign national's country without delay.**

4. **The US Department of State website provides forms in several different languages in order to facilitate communications with the arrested/detained foreign national and document the process: https://travel.state.gov/content/travel/en/consularnotification.html**

C. Additional circumstances that require consular notification:

1. **When a law enforcement officer or other government official becomes aware of the death, serious injury, or serious illness of a foreign national.**

2. **When a foreign aircraft crashes in U.S. territory.**

D. Suggested notification procedures:

1. **To provide documentation, the preferred method of notification is e-mail or fax. Copies of any documentation shall be kept with the report.**

    a. **Notification shall be noted in the officer's report narrative/supplement.**

2. **The consulate should be notified of their foreign national's name, date of birth, date of arrest/detainment, reason for arrest/detainment, associated case number, officer's name(s), department, and contact information.**

    a. **A sample fax form can be found at the following link: Sample Consular Notification Fax**

3. **The Department of State provides an extensive list of contact information for foreign embassies and consulates that can be found at the following link: Contact Info for Foreign Embassies & Consulates. For Mexico and Canada see instructions below:**

    a. **Mexico – Indianapolis Consulate**
        i. **E-mail: *conindianapolis@sre.gob.mx***
        the subject line of your email, please use the following format: CONSULAR NOTIFICATION / Troy PD, Ohio
        ii. **Phone: (317) 761-7600**
        iii. **Fax: (317) 951-7610**

    b. **Canada**
        i. **Outside of normal business hours, please call the 24-hour Emergency Watch and Response Centre toll free at 1-888-949-9993**
        ii. **During normal business hours contact the Canadian consulate in Detroit, MI**
        Phone: (313) 567-2340
        Fax: (313) 567-2164

4. **Additional Resources:**

    a. **Additional information can be found at the US Department of State's consular notification web site: https://travel.state.gov/content/travel/en/consularnotification.html**

    b. **For urgent inquires outside normal business hours contact the Department of State Operations Center at (202) 647-1512**

1.2.1 Legal Authority Defined

A. The Federal Constitution, Ohio Constitution and Ohio Revised Code define the scope and limits of law enforcement authority as it pertains to the enforcement of laws, statutes, court decisions and ordinances.

B. The authority of a law enforcement officer is limited by legal, moral and ethical restraints. Officer authority is generally limited to enforcement of criminal violations of law.

C. Some relevant sections of the Ohio Revised Code pertaining to the scope limits of the authority of law enforcement officers are:

1. **General authority - 737 Section of the Ohio Revised Code.**
2. **Arrest authority - §2935 Section of the Ohio Revised Code.**
3. **Authority concerning juveniles - §2151.31 Section of the Ohio Revised Code.**
4. **Dereliction of Duty - §2921.44 Section of the Ohio Revised Code.**

1.2.2 Legal Authority to Carry/Use Weapons

A. The State of Ohio regulates the authority to carry weapons for the sworn members of the Troy Police Department. Some relevant sections of the Ohio Revised Code that apply are:

1. Qualification of Firearms - 109 section of the Ohio Revised Code

2. General authority - 737 Section of the Ohio Revised Code.

3. Arrest authority - §2935 Section of the Ohio Revised Code.

1.2.3 Compliance with Constitutional Requirements

A. Field interviews may be a positive means to deprive a potential offender of an opportunity to commit a crime, or may serve as a deterrent to the potential criminal or his or her criminal associates.

B. Whenever an officer finds a person in a suspicious circumstance, the officer is encouraged to prepare a field interview card for field interview purposes. If an officer subsequently observes the same person either in the same general area or in another suspicious circumstance, the officer should prepare another card, or at a minimum note the information on a prior report. This assists in documenting where, when suspicious persons or known offenders have been, and with whom they have been associating.

1. **Care must be taken to avoid adverse citizen reaction or the appearance of harassment of any person, race or religious affiliation. Officers should be prepared to articulate valid reasons for conducting the field interview.**

C. Field interview cards are to be routed through the chain of command, the same way any other Incident Report would be routed.

D. Investigators shall not coerce or obtain involuntary confessions from persons suspected of criminal involvement.

E. Recording Custodial Interrogation

1. **All custodial interrogations of a suspect for an aggravated murder, murder, voluntary manslaughter, first or second degree involuntary manslaughter or vehicular homicide, rape, attempted rape or a sexual battery that occurs in a place of detention and is to be recorded. Per the Miami County Commons Pleas Prosecutor the preferred method is to have the interrogation recorded is an audiovisual recording.**

2. **Definition - Place of detention. Places of detention include a jail, police or sheriff's station, holding cell, state correctional institution, local correctional facility, detention facility or a department of youth service facility. A law enforcement vehicle is not a place of detention.**

F. Prior to interrogating a suspect who is in custody, or is otherwise significantly deprived of freedom of movement, the suspect is to be advised of the constitutional rights, he or she possesses as required by current U.S. Supreme Court decisions. This is to include but not limited to access to legal counsel.

1. **Defining custody or significant deprivation of freedom of movement can sometimes be a difficult and confusing task. Whenever an officer has doubt concerning giving the Miranda warning to a suspect, the suspect should be given the Miranda warning.**

2. **Miranda warnings are not necessary when conducting interviews under the following guidelines.**

    a. **When questioning witnesses who may have knowledge of a crime but are not suspects.**

    b. **When questioning persons who are not in custody, who have not been deprived of their freedom of movement in any significant way and who understand that they are free to go on their way or to terminate the interview at any time.**

    c. **When questioning a motorist stopped for a routine traffic offense.**

    d. **When asking questions reasonably motivated by concern for public safety.**

    e. **Without express questioning or its functional equivalent there is no "Interrogation" within the meaning of Miranda, even though the suspect may be in custody.**

G. Right to counsel.

1. **Arrestees have a right to counsel. Whenever an arrestee expresses a desire to exercise the right to counsel, interrogation is to cease until the arrestee has had an opportunity to obtain and confer with counsel of choice or with a court appointed attorney.**

H. Arraignment.

1. **When a person is arrested with or without a warrant, the officer shall bring the arrested person, if that person is not released on bond or on his or her own recognizance, without unnecessary delay before a court having jurisdiction of the offense.**

    a. **The officer shall file, or cause to be filed, a complaint describing the offense for which the person was arrested.**

    b. **Also, see G.O. 1.2.5 for arrest authority, pre-confinement alternatives and pre-trial release of arrested persons.**

I. Pre-trial publicity.

1. **In order to assist in assuring a suspect's constitutional rights, members of the department shall diligently follow guidelines and laws, which relate to the release of information and the right to privacy.**

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1.2.4 Search and Seizure

A. Consent searches (consent signifying a waiver of constitutional rights) may be conducted only where consent is given without force, duress or compulsion of any kind. The burden of proving voluntary consent rests with the officer.

1. If possible, the officer should obtain the consent in writing, indicating that consent was freely and voluntarily given to search a vehicle, person or property. Withdrawal of the consent may occur at any time. At the moment the person withdraws consent, the officers shall retain any seized items and stop the search. A search warrant may be required to continue the search and may include information on items already seized during the consent search.

2. The extent of the search is limited to the area agreed upon by the person who has the authority to sign consent; namely the property owner or one who has control over the property.

B. Stop and frisk doctrine allows an officer to conduct a search of an individual for weapons when the officer has articulable reasons to fear for his/her safety (Terry v Ohio, 88 S. Ct. 1868 (1968).

C. Search of a vehicle under a movable vehicle exemption (Chambers v Maroney, 90 S. Ct. 1975 (1970) and United States v Johns, 105 S. Ct. 881 (1985)) allows an officer to search a vehicle or object when:

1. There is probable cause to believe there is contraband or evidence in the vehicle, (object) (probable cause being the same as necessary to obtain a search warrant);

2. The vehicle (object) is about to be moved or could be moved; and

3. Obtaining a search warrant is impractical.

D. Scene of a crime/exigent circumstances a warrantless search may be conducted when exigent circumstances exist or when consent to search has been given by a person who has the authority to give consent.

1. **In Anderson v Sanders, 99 S. Ct. 2586 (1979), the court ruled that" where the societal costs of obtaining a warrant, such as the danger to law enforcement officers or the risk of loss or destruction of evidence, outweigh the reasons for prior recourse to a neutral magistrate," an officer may conduct a limited search and seizure.**

2. **Examples of exigent circumstances include a need to rescue (e.g. Mincey v Arizona, 98 S. Ct. 2408 (1978), a danger of escape, or destruction/removal of evidence (e.g. United States Blasco, 702 F.2d 1315 (11th Cir.) (1983), United States v Santana, 427 U.S. 38 (1976).**

E. Inventory of a motor vehicle will include a documented inventory search of the contents of the vehicle, including closed containers and the contents of the trunk. (In re Florida v Wells, 110 S. Ct. 1632 (1990)

1. **The inventory shall include such articles as briefcases, boxes, and etc. if reasonable access can be gained to the article and/or to the trunk of the vehicle.**

2. **This is not to be interpreted to mean that an officer may forcibly open containers but shall be interpreted to mean that an officer should inquire of the owner or custodian of the container to provide access, e.g. key to the container or trunk, combination to a lock, etc.**

F. Other situations, which allow for warrant less searches and seizures include search incident to arrest and "plain view" search and seizure (Misc. 1, 351 NE (2d) 807, State v Sperry).

1. **Search incident to a lawful arrest is allowed for the protection of the officer and to prevent the destruction of evidence. Therefore, the scope of the search is limited to the person and the immediate area the detainee may have access to obtain a weapon or destroy evidence. (Maryland v Buie, 110 S. Ct. 1093 (1990), State of Ohio v Brown, 588 NE (2d) 113 (1992)**

2. **The "Plain view" exception permits an officer to seize evidence or contraband when an officer sees it in a place or from a place officer has a right to be. (Coolridge v New Hampshire, 91 S. Ct. 2022 (1971), Horton v California, 110 S. Ct. 2301 (1990).Must meet two conditions to be justified.**

a. **Officer must be lawfully present**

b. **Incriminating nature of the article must be immediately apparent by sight.**

1.2.5 Arrest with/without Warrant

A. It is the policy of the Troy Police Department that any criminal arrests without a warrant be made by sworn police officers in compliance with the Ohio Rules of Criminal Procedure and Section 2935 of the Ohio Revised Code.

1. "When an arrest is made without a warrant by an officer, he shall inform the person arrested of such officer's authority to make the arrest and the cause of arrest." (Ohio Revised Code §2935.07)

a. "When a person is engaged in the commission of a criminal offense, it is not necessary to inform him of the cause of his arrest". (Ohio Revised Code §2935.07)

B. "When there is reasonable ground to believe that an offense of violence, the offense of criminal child enticement as defined in section 2905.05 of the Ohio Revised Code, the offense of public indecency as defined in 2907.09 of the Ohio Revised Code, the offense of domestic violence as defined in section 2919.25 of the Ohio Revised Code, a theft offense as defined in section 2913.01 of the Ohio Revised Code, or a felony drug abuse offense as defined in section 2925.01 of the Ohio Revised Code, has been committed within the limits of the political subdivision...in which the peace officer is appointed...a police officer...may arrest and detain until a warrant can be obtained any person whom he has reasonable cause to believe is guilty of the violation."

"For the purposes of this division, the execution of a written statement by a person alleging that an alleged offender has committed the offense of domestic violence against the person or against the child of the person, constitutes reasonable ground to believe that the offense was committed and reasonable cause to believe that the person alleged to have committed the offense is guilty of the violation." (Ohio Revised Code §2935.03(B))

C. "If the person arrested is unable to offer sufficient bail or, if the offense charged be a felony, he shall prior to being confined or removed from the county of arrest, as the case may be, be speedily permitted facilities to communicate with an attorney at law of his choice, or to communicate with at least one relative or other person for the purpose of obtaining counsel (or in cases of misdemeanors or ordinance violation for the purpose of arranging bail). He shall not thereafter be confined or removed from the county or from the site of initial detention until such attorney has had reasonable opportunity to confer with him

privately, or other person to arrange bail, under such security measures as may be necessary under the circumstances." (Ohio Revised Code §2935.14)

1. **The procedures to be observed when making a warrant less arrest are those as outlined by statute in the Ohio Revised Code, by the Ohio Rules of Criminal Procedure and any relevant and applicable General Orders, Special Orders and Rules and Regulations of the Troy Police Department. Criminal arrests by Troy Police Department Officers will be in conformance with the specific judicial decisions governing the rights of the accused, arrest, search and seizure.**

    a. **Statutes which relate to arrest are principally found in Sections 2935, 2963 and 4511 of the Ohio Revised Code along with other references found in other Sections in the Ohio Revised Code, in Rules 4, 4.1 and 9 of the Ohio Rules of Criminal Procedure and in Rules 6, 7, 8, 9, 10 and 15 of the Ohio Rules of Juvenile Procedures.**

D. **Upon making a misdemeanor arrest, the officer will file or cause to be filed an affidavit or complaint which states the nature of the charges against the accused person, and that the accused person will be served a copy of the complaint. Whoever is the complainant will swear to the truth of the affidavit and sign it before a Clerk or Deputy Clerk or police officer. All traffic complaints must be made on traffic citations.**

    1 **It is up to the discretion of the officer whether or not to incarcerate (ORC Criminal Rule 4).**

    2. **Photographs and fingerprints will be taken in conformance with departmental policies.**

    3. **Evidence pertaining to the case should be collected and handled according to G.O. 84. The proper report forms will be made and processed accordingly, in a timely manner.**

E. **Felony arrests will be made in the same manner as misdemeanors. Officers can bring the arrested person in front of a magistrate, if one is available, instead of incarceration. If a magistrate is not available, the felon will be incarcerated until he/she can be arraigned.**

    1. **Photographs and fingerprints will be taken of all persons arrested for a felony. Procedures will be in conformance with departmental policies.**

F. When an officer makes a juvenile arrest, the prisoner will be conveyed to the police department or the juvenile's residence. If the juvenile is brought to the police department, the juvenile's parents or guardian will be contacted immediately, advised of the situation and asked to come to the department. If the decision is made not to detain the juvenile, the officer will notify the parents or guardian and the juvenile will be released to them.

1. **The decision to incarcerate the juvenile is ultimately up to the Juvenile Court. The Juvenile Probation Officers can be contacted either directly or through dispatch.**

2. **Evidence and paperwork will be handled in the same fashion as adult cases. All procedures will be in conformance with G.O. and laws and ordinances pertaining to juveniles.**

3. **Fingerprints of juveniles under the age of eighteen will be taken for any arrest that is a felony, offense of violence or probable cause to believe that the juvenile committed either the felony or offense of violence. The print cards shall be submitted to BCI in accordance with current department standards**

G. Warrant searches/ patrol officers can routinely develop investigations which may require a search warrant. Whenever officers feel they have an investigation-establishing probable cause for a search warrant, they will notify their supervisor. Search warrants will be written by or with the assistance of a prosecutor. Officers will be responsible for providing probable cause for the search warrant initiated by them.

1. **Securing the premises/ securing the location for the search warrant will be the responsibility of the initiating officer. Officers may enter and secure premises while applying for a search warrant for that location when all of the following circumstances are present:**

   a. **The delay caused by seeking a warrant would be crucial and allow the destruction of evidence; and**

   b. **The officer has a reasonable belief that evidence or contraband would be removed or destroyed; and**

   c. **The officer has a reasonable belief that those in possession of the evidence or contraband are aware that the police are**

actively attempting to secure evidence and are initiating steps to destroy the evidence; and

d. The evidence or contraband can be readily destroyed or removed.

2. When securing premises, the officer will instruct those present or those who arrive later that they must leave, not enter, or allow an officer to remain with them until the search warrant is obtained.

a. If those persons insist on staying, the officer may restrict their movement and frisk them for weapons if the officer feels it is necessary for his/her safety.

b. Persons not residing at the residence may be denied access and should be identified.

c. Officers may prevent any person from removing items from the premises.

d. Persons not following instructions by going into other rooms afford officers the right to search if they reasonably suspect they may find weapons or evidence which may be destroyed in that area.

3. Probable Cause, Ohio Revised Code §2933.22 and §2933.23 cover search warrant application. The statutes require that a search warrant will be issued on an affidavit sworn to or affirmed before the judge and relating facts sufficient to:

a. Identify or describe, as nearly as possible, the premises, person, place or thing to be searched.

b. Identify or describe, as nearly as possible, the property to be searched for, seized or inspected.

c. Establish the ground for issuance of the warrant or probable cause to believe that such grounds exist.

d. Establish probable cause to believe that the property to be searched for, seized or inspected is located at, in or upon the premises, person or thing to be searched.

4. The affidavit may include sworn testimony and/or a written affidavit signed under oath by the witnesses giving the testimony.

5. **When a judge believes that probable cause exists for a search warrant, the warrant should:**

   a. **Identify, as nearly as possible, the premises, person, place or thing to be searched.**

   b. **Identify or describe, as nearly as possible, the property to be searched for, seized or inspected.**

   c. **State the ground or probable cause for its issuance.**

   d. **State the names of the persons whose affidavits or testimony have been taken in support thereof.**

H. Execution of the warrant.

1. **A search warrant will be directed to a law enforcement officer with proper authority, who may request other officers or persons to assist him.**

2. **The officer to whom the warrant was issued should be present during the search and prepare the return. A search warrant must be executed within 3 days of issuance.**

3. **Unless otherwise stipulated in the warrant, search warrants will be executed during the daytime (0700 to 2000 hours).**

4. **The owner or the keeper of the property need not be present during the search. If not present, a copy of the warrant and inventory must be left and the residence or establishment properly secured.**

5. **If there is a person present at the premises being searched, he/she will be given a copy of the warrant and a receipt of the property taken. The inventory of property taken shall be given to such person and shall be made in the presence of the applicant for the warrant and the person from whose possession or premises the property was taken, if they are present, or in the presence of at least one credible person in the absence of the applicant for the warrant or the person from whose possession or premises the property was taken, and shall be verified by the officer.**

6. **It is expected that all sworn officers will maintain a working knowledge of state statutes and judicial decisions that relate to arrest, search and seizure, and that the department will provide information on procedural changes resulting from new statutes and/or judicial decisions.**

I. Foreign Nationals

The Vienna Convention on Consular Relations requires "…when any foreign national is arrested or detained, "competent authorities" in the arresting jurisdiction must notify the detainee that he or she has the right to have his or her consular affairs officer notified about the detention." Bilateral treaties between the United States and other countries mandate notification, regardless of the wishes of the detainee. The Mandatory Notification Countries and Jurisdictions list is available by the internet.

Recording Arrest Information

A. **The agency computer system assists officers in retrieving arrest information and preparing reports.**

   1. **An arrest report will be generated on every person arrested by this agency. This information will be entered into the computer system.**

B. **Fingerprints will be taken from persons arrested for a criminal offense by the following guidelines. The fingerprints are submitted to BCI electrically.**

   1. **Adults - All felonies and escalating misdemeanors will require the following cards to be completed.**

      a. **1 - BCI&I Adult Criminal Ten print Cards (BCI Form 3-72)**
      b. **1 - BCI final disposition form (Form 2-71)**

   2. **Juveniles - All felonies or misdemeanor offenses of violence (defined in O.R.C. 2901.01) or where there is probable cause to believe that the child has committed a felony or offense of violence will require the following cards to be completed.**

a. **1 - Juvenile Criminal Ten print Card (BCI Form 2-96)**
b. **1 - BCI&I final disposition form (Form 2-71), indicate the ITN number from the Juvenile Criminal Ten print Card and print the word "JUVENILE" at the top of the form.**

3. **Fingerprinting persons arrested for traffic violations and are not required, except for OMVI.**

4. **Persons arrested for second (or subsequent) offenses will be fingerprinted the same as a first offender.**

   a. **It is recognized that some arrested persons may be incapable of being fingerprinted due to physical conditions, combativeness, etc. If an arrestee cannot be fingerprinted, or in the officer's estimation, it is not prudent to attempt to fingerprint, the officer should simply include some remarks in the incident narrative explaining why the individual could not be fingerprinted.**

5. **The white Final Disposition Form (BCI Form 2-71), after being completely filled out, is to be attached to the charges and/or report, by the officer, prior to being sent over to the Clerk of Courts Office. The Clerk of Courts Office is responsible for completing the form and sending it to BCI&I, after final disposition has been rendered.**

6. **The completed print cards are to then be forwarded to the record section of the department, along with the report.**

7. **If a juvenile is fingerprinted, the same procedures will be used as an adult, with the following exceptions. The fingerprint cards will be placed in the Detective Captain mail slot. The Detective Captain will notify Juvenile Court, as soon as possible that we are in possession of the fingerprint cards. If Juvenile Court does not request possession of the fingerprint cards, the Detective will secure them. Photographs of the juvenile will be secured with the fingerprint cards.**

C. **Photographs will be taken of all adult persons physically arrested by this agency.**

1. **Photographs may be taken of juveniles with regard to O.R.C. 2151.313(A)(2), however in most cases consent from the Judge of the Miami County Juvenile Court shall be sought prior to photographing.**

(072808)

1.2.6 Alternatives to Arrest

A. If not otherwise outlined by written directive, an officer should consider the use of citation, summons, warning, referral or informal resolution in lieu of arrest, unless one of the exceptions exists.

1. An officer should issue a minor misdemeanor citation for those offenses prescribed in the Ohio Revised Code or the Codified Ordinances of Troy as minor misdemeanors. (Ohio Revised §2935.26, Criminal Rule 4.1)

2. An officer may issue a traffic citation for those misdemeanors traffic offenses prescribed in the Ohio Revised Code or the Codified Ordinances of Troy. (Ohio Revised Code §2935.36, Traffic Rule 3)

3. An officer may issue a summons in misdemeanor cases where a warrant has been issued unless the issuing authority includes a prohibition against it in the warrant, when issuance of a summons appears reasonably calculated to assure the defendant's appearance. (Criminal Rule 4)

4. An officer may issue a summons in misdemeanor cases where a law enforcement officer is empowered to arrest without a warrant, when issuance of a summons appears reasonably calculated to assure the defendant's appearance. (Criminal Rule 4)

5. An officer may issue a warning when it appears to the officer to be the most reasonable alternative for the offender under the circumstances.

6. An officer may make referrals to other agencies when it appears to the officer to be the most reasonable alternative for the offender under the circumstances.

7. An officer may offer informal resolutions when it appears the situation or conflict can be adequately resolved by use of verbal warning, informing another agency of the situation or conflict, advising the parents of a juvenile problem, etc., but should be utilized for minor offenses only.

8. Alternatives to arrest shall not be used in cases of violent felonies, domestic violence when the officer makes an arrest, which would be required pursuant to Ohio Revised Code §2919.25 (violator had a previous domestic violence offense) and/or if a protection order has

been filed with the court pursuant to Ohio Revised Code §3113.31, or when it appears that, the violator will not comply or will continue in his/her course of action if not arrested.

B. If not otherwise outlined by written directive, an officer may consider the use of bond, citation or summons in lieu of prearraignment confinement.

1. Pretrial release of felonies shall be determined and approved by the court of jurisdiction as outlined in Criminal Rule 46.

a. An officer may issue a summons in lieu of arrest, except as otherwise set forth in the Ohio Revised Code or written directives contained herein.

2. Pretrial release of criminal misdemeanants shall be designed to ensure the appearance of the violator and bond shall be required unless exigent circumstances exist.

a. Officers may issue a summons in lieu of arrest or a warrant with a summons endorsement following arrest.

b. Officers may request the court to issue a recognizance bond following arrest.

c. In cases of criminal minor misdemeanors, a summons shall be issued, except as provided or allowed by law. (Ohio Revised Code §2935.26)

d. A "10%" bond must be available to first time offenders (no previous convictions for the same offense) who reside in this state.

3. Bond maybe required of all traffic violators who do not reside within Miami County or an adjacent county.

a. Ohio Revised Code §2935.37 and §4507.168 allow an officer to inform a resident violator that by signing the citation, (s) he has agreed to pay the citation and/or appear in court and that failure to appear may result in the cancellation of the license to operate a motor vehicle and/or a warrant for their arrest.

b. Bond may be in the form of cash, major credit card or money order.

c. **Out-of-state offenders who live in violator compact states may agree to sign for minor misdemeanor citations in lieu of bond, provided they are properly instructed, pursuant to Ohio Revised Code §4511.951.**

d. **Bond schedules are set by the Miami County Municipal Court.**

e. **Officers may require bond from residents in cases other than minor misdemeanors if circumstances so dictate.**

f. **A supervisor may approve the release of a traffic violator without bond.**

4. **Separate laws dictate the handling of juvenile citations, arrests and releases. (§2151.311 ORC)**

   a. **If at all possible, juveniles shall be released to a parent or legal guardian.**

   b. **Juveniles may be released to a responsible adult if the parent or legal guardian cannot be contacted.**

   c. **No bond shall be required of any juvenile nor from his/her parent or legal guardian.**

(070110)

1.2.7 Use of Discretion

A. Discretionary power is the power of free decision, or latitude of choice within certain legal bounds. A blend of common sense, requirements of the law, policies and procedures of the department, and particular circumstances of a situation will guide the officer in the decision making process. It is recognized that the complexities of law enforcement dictate degree of latitude for discretionary options by an officer. In questionable situations, officers must be prepared to justify the actions taken, and when time and circumstances permit, the officer should confer with a supervisor for guidance in questionable situations.

B. Therefore, it is imperative that officers take into consideration when exercising discretionary power the goals and objectives of the department, the best interests of the public they serve, any mitigating circumstances and the volatility of the situation at hand.

1.2.8 Strip/Body Cavity Search

Ohio Revised Code §2933.32 gives the authority to conduct strip searches and/or body cavity searches. This type search will only be done only after a law enforcement officer or employee of a law enforcement agency obtains a written authorization for the search from the person in command of the law enforcement agency, or from a person specifically designated by the person in command to give a written authorization for either type of search.

Ohio Revised Code §2933.32 definitions:

1. **"Body cavity search" means an inspection of the anal or vaginal cavity of a person that is conducted visually, manually, by means of any instrument, apparatus, or object, or in any other manner while the person is detained or arrested for the alleged commission of a misdemeanor or traffic offense.**

2. **"Strip search" means an inspection of the genitalia, buttocks, breasts, or undergarments of a person that is preceded by the removal or rearrangement of some or all of the person's clothing that directly covers the person's genitalia, buttocks, breasts, or undergarments and that is conducted visually, manually, by means of any instrument, apparatus, or object, or in any other manner while the person is detained or arrested for the alleged commission of a misdemeanor or traffic offense..."**

A. Procedures

1. **Unless authorized by this section, no law enforcement officer, other employee of a law enforcement agency, physician, or registered nurse or licensed practical nurse shall conduct or cause to be conducted a body cavity search or a strip search.**

2. **Unless there is a legitimate medical reason or medical emergency justifying a warrant less search, a body cavity search shall be conducted only after a search warrant is issued that authorizes the search. In any case, only a physician, or a registered nurse or licensed practical nurse, which is registered or license to practice in this state, shall conduct under sanitary conditions a body cavity search.**

3. **Unless there is a legitimate medical reason or medical emergency that makes obtaining search warrant impracticable, body cavity search or strip search shall be conducted only after a law enforcement officer or employee of a law enforcement agency obtains a written authorization for the search from the person in command of the law enforcement agency, or from a person specifically designated by the person in command to give a written authorization for either type of search.**

4. **A body cavity search or strip search may be conducted if a law enforcement officer or employee of a law enforcement agency has probable cause to believe that the person is concealing evidence ofthe commission of a criminal offense, including fruits or tools of a crime, contraband, or a deadly weapon, as defined in section §2923.11 of the Revised Code that could not otherwise be discovered. In determining probable cause for purposes of this section, a law enforcement officer shall consider the nature of the offense with which the person to be searched is charged, the circumstances of the person's arrest, and, if known, the prior conviction record of the person.**

5. **A body cavity search or strip search shall be conducted by a person or persons who are of the same sex as the person who is being searched and the search shall be conducted in a manner and in a location that permits only the person or persons who are physically conducting the search and the person who is being searched to observe the search.**

B. Reporting

1. **Upon completion of the body cavity search or strip search pursuant to this section, the person or persons who conducted the search shall prepare a written report concerning the search that shall include all of the following:**

a. **The written authorization for the search obtained from the person in command of the law enforcement agency or his designee, if required by division (B-3) of this section;**

b. **The name of the person who was searched;**

c. **The name of the person or persons who conducted the search, the time and date of the search, and the place at which the search was conducted;**

d. **A list of the items, if any, recovered during the search;**

e. **e. The facts upon which the law enforcement officer or employee of the law enforcement agency based his probable cause for the search including, but not limited to, the officer or employee's review of the nature of the offense which the searched person is charged, the circumstances of his arrest and if known his prior conviction record;**

f. **If the body cavity search was conducted before or without the issuance of a search warrant pursuant to division (B-2) of this section the legitimate medical reason or medical emergency that justified the warrant less search or made obtaining written authorization impracticable.**

C. The Departmental Search Authorization Form will be completed on all cavity and strip searches.

1. **The Administrative Captain will be responsible for maintaining reports and forms as well as informing the Chief of Police of the same.**

1.2.9 Bias Based Profiling

I. It shall be the policy of the Troy Police Department that no member shall engage in conduct, which results in the unequal treatment of any person.

A. This will include, but not be limited to the stopping, detaining, questioning, seizing of assets or forfeiture efforts of any person based solely on a common trait of a group.

1. Examples of common traits of a group would include, race, ethnic background, culture, religion, gender, sexual orientation, age, Socio-economic status or any other identifiable group.

B. All departmental employees will be trained in bias-based profiling issues including legal aspects.

C. If it is determined that an employee has engaged in bias-based profiling, the employee(s) involved will be subject to disciplinary actions according to G.O. 26.1.4.

D. Annually the Patrol Captain will conduct a documented review of Agency practices including citizen concerns.

1. This review will be included in a report that will be forwarded to the Chief of Police.

1.2.10 Domestic Violence and TPO/CPO

It will be the policy of the Troy Police Department to intervene in domestic violence situations and violations of protection orders and consent agreements. Priority will be given to rendering assistance to victims of domestic violence and the reporting of all domestic violence cases.

Definitions:

"Domestic violence" means the occurrence of one or more of the following acts against a family or household member:

A. Knowingly cause or attempt to cause physical harm

B. Recklessly cause serious physical harm

C. By the threat of force, knowingly cause another to believe the offender will cause imminent physical harm (see 2919.25 ORC)

"Family or household member" means a natural parent of any child of whom the offender is the other natural parent or is the putative other natural parent or any of the following who is residing with or has resided with the offender:

A. A spouse, a person living as a spouse, or a former spouse of the offender.

1. "Person living as a spouse" means a person who is living or has lived with the offender in a common law marital relationship; who otherwise is cohabiting with the offender; or who otherwise has cohabited with the offender within five years prior to the date of the alleged incident.

B. A parent or a child of the offender, or another person related by consanguinity or affinity to the offender.

C. A parent or child of a spouse, person living as a spouse, or former spouse of the offender, or another person related by consanguinity or affinity to a spouse, person living as a spouse, or former spouse of the offender (see 2919.25 ORC).

"Primary aggressor" means a person who was acting in an "offensive mode" rather than defensive mode and/or the person committing the most aggressive/offensive act(s).

"Secondary aggressor" means a person who may have committed an act of violence but was primarily acting in a "defensive mode" rather than an offensive mode.

Temporary Protection Order (TPO) is issued out of municipal court after one or more of the following offenses is alleged to have occurred: Domestic Violence 2919.25, Felonious Assault 2903.11, Aggravated Assault 2903.12, Aggravated Menacing 2903.211 and Criminal Trespass 2911.211 of the ORC or similar municipal ordinances.

1. **TPO's will remain in effect for ninety days from the date of the filing or until the order is vacated.**

2. **Can be enforced statewide under 2919.27 of the ORC or similar municipal ordinance regardless of whether it is registered with the court in the jurisdiction of the officer enforcing it.**

Civil Protection Order (CPO) and consent agreement:

1. **Issued out of Common Pleas Court;**

2. **Requires a private attorney;**

3. **Does not require any offense to have occurred; and**

4. **Can be good two (2) years and is renewable.**

3. **Can be enforced statewide under 2919.27 of the ORC or similar municipal ordinance regardless of whether it is registered with the court in the jurisdiction of the officer enforcing it.**

"Reasonable grounds" to believe that domestic violence or a violation of a protection order has occurred:

1. **A person executes a written statement alleging domestic violence;**

2. **No written statement is executed, but the officer(s), based on trustworthy information given to the officer(s) by the alleged victim or witness or based upon personal observation, concludes that there are reasonable grounds; or**

3. **The officer(s) witnessed the offense.**

"Deadly weapon" means any instrument, device, or thing capable of inflicting death and designed or specially adapted for use as a weapon, or possessed, carried, or used as a weapon (Ohio Revised Code 2923.11(A)).

Domestic Violence Policy and Procedure

1. **Officers will be dispatched to the report of any alleged incident of domestic violence or violation of a protection order.**

2. **The officers shall separate the victim(s) and the offender(s). Separate interviews will be conducted in separate locations taking all safety issues into concern.**

3. **If the officer(s) has reasonable grounds that a violation of law has occurred, then the officer will arrest the particular person committing the offense.**

    a. **If there are reasonable grounds that one or more of the family or household members have committed the offense against each other, the proper course of action is to arrest the primary physical aggressor.**

    b. **The officer(s) may arrest the other aggressor circumstances of the event will dictate if this course of action is taken.**

    c. **In determining the primary physical aggressor, the officer(s) should consider all relevant circumstances, including violence caused by a person acting in self-defense, the comparative severity of any injuries, and each person's fear of physical harm and the reasonableness of that fear.**

4. **When no arrest is made, the officer must articulate a clear statement of the reason(s) that no arrest was made.**

5. **The officer(s) who investigate domestic violence or alleged violation of a protection order shall make a written report whether or not an arrest is made. The report shall document the officer's observations, any visible injuries, any weapons at the scene, and actions or statements of the parties or witnesses.**

6. **If prior incidents are known with the participants, the number, type of incidents and severity level should be noted in the report.**

    a. **The Miami County Communications Center (911) and/or records section of the Troy Police Department may be contacted to assist with the collection of these records.**

7. **Officers shall not require, as a prerequisite to arrest, that the victim consent to the filing of charges and/or to sign a complaint.**

    a. **The victim shall be advised of the availability of a temporary protection order or civil protection order.**

    b. **The victim should be given a copy of the victim/witness information (See General Order 55.1.1) and of the information sheet on domestic violence.**

8. **The victim should be given the reporting officer's name, unit number, complaint number for the incident, a telephone number that the 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.**

9. **If the officer(s) determine that a deadly weapon has been used or brandished, the weapon shall be seized pursuant to Ohio Revised Code 2933.43.**

10. **If the officer(s) intends to arrest for domestic violence and the offender is not present, the officer must promptly seek a warrant for the offender's arrest.**

    a. **The Troy Police Department will NOT arrest on another agencies charges; we will only arrest with a valid warrant. We will provide any assistance needed to other agencies in the course of their investigation.**

11. **If the officer(s) determines that during an incident of domestic violence a person has caused serious physical harm or has attempted to cause serious physical harm by means of a deadly weapon, the officer(s) shall comply with one of the following:**

a. **If there is reasonable cause to believe that, during the incident, the offender committed an act of felonious assault, the officer shall arrest the offender.**

b. **If the officer has reasonable cause to believe that during the domestic violence incident, one or more of the family or household members committed offenses against each other, the officer shall determine who is the primary aggressor and the officer(s) shall arrest the offender.**

c. **The officer is not required to arrest but may arrest any other person who committed an offense but who is not the primary physical aggressor.**

Violations of TPO/CPO Policy and Procedure

1. **Officers will be dispatched to any alleged violation of a TPO and CPO.**

2. **The officers shall separate the victim(s) and the offenders(s) and will conduct separate interviews in separate locations, with precautions for the safety of all persons present.**

3. **The officer shall confirm the existence of a TPO or CPO by one of the following methods:**

   a. **Teletype confirmation of the TPO/CPO entered into LEADS by another agency.**

   b. **Copy of the TPO/CPO on file at the Troy Police Department**

   c. **Confirmation of the TPO/CPO on file at Miami County Communications Center (911).**

   d. **A certified copy of a current TPO/CPO presented by one ofthe person/s involved in the incident.**

NOTE: Any CPO/TPO is not considered valid if outside the dates listed on document.

4. **A violation of a TPO/CPO occurs when any person recklessly violates any of the terms of a protection order issued, or consent agreement approved, pursuant to section 2919.26 or 3113.31 of the Ohio Revised Code or similar Troy Codified Ordinance.**

5. **If the officer(s) have reasonable grounds to believe that the conditions of a TPO/CPO have been violated, the officer(s) should arrest for the violation.**

    a. **The officer may arrest the other offender if there are reasonable grounds to believe that both parties may have violated the conditions of the TPO/CPO.**

6. **If the officers(s) intends to arrest for a violation of a TPO/CPO and the offender is not present, the officer must promptly seek a warrant for the offenders arrest.**

7. **The officers shall make a written report of the alleged incident whether or not an arrest has been made. The report will document all pertinent facts of the incident including statements made and any observations. Documentation of previous convictions will be noted in the report. The officer will include whether an arrest was made and reason why if no arrest was made.**

Alternatives

1. **The Troy Police Department, in concert with the provisions of the Ohio Revised Code and with all intentions of providing the most acceptable alternatives to all parties involved in a domestic dispute, do not wish to preclude officers from exercising discretion in incidents involving domestic violence.**

2. **If an officer is able to provide reasonable alternatives to arrest, e.g. assist in relocating one or more of the persons involved in the domestic incident, and if all parties in the incident agree that the situation can be resolved without arrest, the officer(s) may take alternative actions rather than arrest.**

3. **If any alternative to arrest is utilized, the facts supporting the action(s) of the officer(s) shall be clearly documented.**

4. **Even if an alternative to arrest is used, the officer(s) shall completely document the incident.**

1.3.1 Use of Force

A. Policy statement

1. **Police officers have the responsibility to preserve the peace, protect lives and property, obey and enforce the ordinances of the City of Troy, the criminal laws of the State of Ohio and the United States, and all court orders issued and consent agreements approved pursuant to Sections 2919.26 and 3113.31 of the Ohio Revised Code (see ORC Section 737.11).**

   Recognizing the sanctity of human life, and the necessity to preserve and protect the well-being of others and ourselves we must insure that the use of force or deadly force occurs only when all other reasonable alternatives have been exhausted.

   Circumstances and situations vary. We must keep in mind that only that degree of force may be used which is necessary to effect a lawful objective.

B. Definitions

1. **"Force" means any violence, compulsion or restraint physically exerted by any means upon a person or thing (see Section 2901.01A of the Ohio Revised Code).**

2. **"Officer" refers to sworn, full time officers of this department and auxiliary officers acting in conjunction with this department.**

C. Officers may use reasonable force only, when force is used to accomplish lawful objectives and then only when all other reasonable means to accomplish the objective have been exhausted. An officer shall use any and all legal means to prevent or halt the commission of a crime or to apprehend an offender, when it is within the officer's power and authority to do so. He may act either alone or with available assistance. Acting within the scope of his employment, an officer shall use only reasonable force, which the officer believes, is necessary to prevent or halt the crime or to effect the arrest. Use of force which is greater than reasonable is contrary to policy, as an officer may not become an aggressor.

D. On occasion, the use of a weapon may be appropriate to assist in the resolution of a situation. Care must be used when utilizing weapons.

1. **When using force, or when utilizing a weapon as an adjunct to using force, officers are to realize that the degree of force used is only that which is necessary to effect the arrest or stop the aggressive or criminal act of the violator. Even if deadly force is applied, the precept is not to kill the violator, but to stop the criminal from inflicting death or serious physical harm upon another.**

E. Drawing or exhibiting firearms

1. **Unnecessarily drawing or exhibiting a firearm limits an officer's alternatives in controlling a situation. Officers should not draw or exhibit a firearm unless the circumstances surrounding the incident create a reasonable belief that it may be necessary to use the firearm to prevent serious physical harm to the officer or another.**

2. **A report and complaint number will be generated when an officer draws their weapon and confronts an individual, even if the weapon is not pointed at anyone.**

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1.3.2 Use of Deadly Force

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

1. **"Deadly force" means any force which carriers a substantial risk that it will proximately result in the death of any person (ORC 2901.01 B).**

2. **"Serious physical harm" means any physical harm which carries a substantial risk of death, permanent incapacity, permanent disfigurement or acute pain of such duration as to result in substantial suffering (ORC 2901.01 E).**

3. **“Reasonable belief" are facts or circumstances the officer knows, or should know, and are such as to cause an ordinary and prudent person to act or think in a similar way under similar circumstances.**

1.3.3 Warning Shots

A. Warning shots

1. **Officers are prohibited from firing warning shots because of the potential danger to others.**

B. Discharge of firearms, prohibitions and restrictions

1. **The discharge of a firearm by an officer is prohibited:**
   a. **When it appears likely or when a prudent or reasonable person would believe that an innocent person may be injured.**
   b. **For the purpose of effecting a misdemeanor arrest.**
   c. **Solely to protect or preserve personal property.**
2. **The discharge of a firearm is restricted:**
   a. **In or near a crowd.**
   b. **To fire across road traffic.**
   c. **To fire at or from a moving vehicle.**
   d. **To fire into buildings or through doorways unless at an identifiable target.**
3. **Discharge of a firearm is permitted only:**
   a. **When in conformance with deadly force policy.**
   b. **During firearms training or proficiency testing.**
   c. **To kill an animal in self defense, the defense of others or for humanitarian reasons to relieve undue suffering of the animal.**
   d. **For legitimate recreational or sporting purposes.**

1.3.4 Use of Authorized Less Lethal Weapons

A. Policy

1. **Officers shall exercise due care if a decision is made to use a less lethal weapon. Use of such weapons shall conform to applicable departmental policies, procedures, rules, and regulations.**

2. **Less lethal weapons carried or used by an officer may only be those issued or approved by the department.**

B. Less lethal weapons instruction or training

1. **The firearms training officer is responsible to develop and conduct any training, training bulletins and proficiency testing which said officer deems necessary or appropriate for the different type or classification of less lethal weapon.**

   a. **Any questions relating to a less lethal weapon not listed as approved is to be directed to the firearms training officer for consideration and resolution.**

   b. **Training received from the instructors is to include procedures and instruction in rendering appropriate medical aid after the use of the weapon.**

   c. **All approved less lethal weapons are listed in 1.3.9 of this chapter.**

C. Cautions

1. **Officers must be aware that even weapons, which are classed as less lethal weapons may, under some circumstances, be used in such a manner so as to fall within the parameters of the "deadly force policy. An officer must consider the potential consequences when any weapon is employed.**

2. **A device, instrument or process not normally classified as a weapon may, in an extraordinary circumstance of necessity, be employed by an officer as a weapon. All policies, procedures and rules and regulations governing weapons and use of force are applicable if this occurs.**

1.3.5 Rendering Aid After Use of Weapons

A. Whenever someone requests medical attention, or the officer believes that an individual is in need of medical attention, the Troy Fire Department ambulance will be requested by the officer to respond to his/her location. This includes administering of appropriate medical aid after the use of lethal or less lethal weapons or other types of use of force incidents.

B. After using a less lethal impact projectile or an electronic incapacitation device, the Troy Fire Department ambulance will be called to the scene and appropriate medical treatment will be administered.

1. If an EID (Taser) has been deployed, the probes should be removed at the earliest and safest opportunity by the officer who has been properly trained on the safe removal of the probes.

2. Taser prongs that have struck sensitive areas (i.e., face, neck, groin, or female breasts) shall only be removed by EMS or medical personnel.

3. EMS personnel will make the decision to transport for further medical care.

a. All probes that are removed shall be treated as biohazard sharps and will be disposed of properly.

4. Photographs will be taken of probe impact sites and any other related injury. The photos will then be placed into evidence and noted in the officer's report.

C. Officers will receive basic first aid in their initial basic training. Training of less lethal weapons will include medical considerations in first aid.

1.3.6 Reporting Uses of Force

A. A written report is required whenever an employee:

1. **Discharges a firearm for other than training or recreational purposes**

2. **Takes an action that results in or is alleged to have resulted in injury or death of another person.**

    a. **This includes whenever an arrestee is injured or injures himself/herself through no fault of the officer during the arrest or while in the officer's custody.**

3. **Applies force through the use of lethal or less lethal weapons**

    a. **A written report is required when an officer uses any weapon to apply force to any person. If an officer has participated in or witnessed the use of force against a person, a report is also required.**

4. **Applies physical force by use of the hands or by any other means.**

B. Officers responsibility

1. **Whenever any approved firearm is accidentally or purposefully discharged, except during range practice, proficiency testing or legitimate sporting activity, the officer shall make a written report of such discharge to the immediate superior on duty. That superior officer will immediately report the incident to the section head which the officer is assigned and to the Chief of Police, except in the instance of the justified killing of an animal.**

    a. **The Chief of Police will appoint an officer to investigate the incident and report the findings directly to him.**

    b. **If the firearm discharge was by the Chief of Police, the immediate report is to the Service/Safety Director who shall then appoint an investigator and receive the reports.**

2. **The officer shall stay at the scene of the discharge until the appointed investigator arrives unless the officer is injured and**

requires treatment or the officers continued presence at the scene may incite problems from persons either sympathetic to a victim and/or hostile to police, which may result in an escalated situation.

1. **The officer shall protect the weapon for examination and submit it to the appointed investigator. The weapon is to be maintained in the condition that it was in immediately following the conclusion of the incident.**

3. **The officer is not to discuss the incident with anyone except the appointed investigator, supervisors, the officer's attorney, clergy physician, psychologist or immediate family. The officer(s) involved in such incidents shall not make any statements except as provided, without the express consent of the Chief of Police.**

C. Investigative and reporting processes

1. **The investigation of shooting incidents involving officers will commence on the scene as close in time to the incident as possible. An investigator appointed by the Chief of Police will conduct it. Any officer, regardless of rank, shall assist as requested by the investigator.**

2. **The appointed investigator shall immediately take possession of the weapon involved in the discharge incident, be it department issue or personal weapon.**

   a. **The investigator shall prepare a receipt for the officer describing the weapon as to make, caliber and serial number. A copy, initialed by the officer and the investigator shall be retained by each.**

   b. **The officer will be supplied with a temporary duty weapon**

3. **The appointed investigator shall conduct a thorough investigation of a shooting incident and will prepare a detailed report containing all factual findings and conclusions relevant to the shooting incident.**

   a. **Reports and statements will be taken from officers and witnesses.**

b. **The investigator will determine if the weapon discharge resulted in injury to any persons or property.**

c. **The investigator will attempt to account for each round fired and to determine the path and terminus of each, including fragments.**

d. **If any person is injured or struck by the discharge, the investigator will detail the location and severity of each wound.**

e. **The investigator will recover and preserve pertinent physical evidence.**

f. **If appropriate, the investigator will cause photographs, measurements, diagrams and sketches to be prepared.**

g. **The investigator shall conduct, or order conducted, any other investigatory processes or procedures deemed necessary.**

D. Subsequent measures

1. **The investigative report will be submitted to the Chief of Police for review.**

    a. **Throughout the course of the investigation, officers shall not be denied their due process rights and shall be notified of any specifications of violations of department policy, procedure, rule or regulation, ordinance or law against them.**

    b. **Officers shall be periodically advised as to the current status of the investigation and review, and provided results of the conclusion of the investigation and review.**

    c. **Actual or alleged incidents of serious physical injury or death require immediate notification of the Chief of Police.**

2. **An occasional circumstance may occur, wherein it appears that an unwarranted or false claim of inappropriate use of force may ensue, as a result of a police action. This is a situation necessitating a report detailing the facts. The report may be used to refute the unwarranted or false claim. Whenever an officer**

suspects that an unwarranted or false claim may ensue, the officer should prepare a detailed report concerning the incident. The reports should contain at least the following:

a. **What precipitated the incident.**

b. **The amount and type of force used.**

c. **What weapon or instrument was used, if applicable.**

d. **The results of the use of force.**

e. **The end result of the incident.**

f. **Type and extent of any injuries sustained by any persons involved in the incident and the medical treatment received.**

g. **Names, addresses and statements, if possible, from participants or witnesses.**

3. **Detailed reports shall be prepared and submitted whenever an officer is involved in a traffic accident during which incident a vehicle was used as a weapon or instrument of force by the officer or suspect.**

1.3.7 Reviewing Reports of 1.3.6

A. Whenever a weapon, lethal or less lethal, or any kind of force is used by any member of this department to exert force upon any person, animal or thing, a written report will be submitted and the incident shall be reviewed to assure that the force was appropriate and conformed to department policy. The employee's immediate supervisor and captain will review the incident. The review will ensure that policy, training, equipment, or disciplinary issues are consistent with the force used. The Chief will be immediately notified of any inconsistencies or disciplinary issues.

1.3.8 Removal from Line of Duty Assignment, Use of Force

A. Whenever an employee has been involved in an incident where the employees action(s) or use of force in an official capacity results in the death or serious physical injury to any person, the employee is to be immediately removed from line of duty and placed on administrative leave or assigned to administrative duty pending an administrative review for a period of time to be determined by the Chief of Police.

1. **An employee placed on administrative leave shall suffer no loss of pay or benefits during that leave.**

2. **The assignment of administrative leave or administrative duty shall not be interpreted to imply or indicate that the employee has acted improperly.**

3. **When on administrative leave, an employee shall remain available to the assigned investigator or the Chief of Police pending completion of investigation and review of the incident. The employee may be subject to recall to duty at any time.**

B. In all cases where a person has been seriously injured or killed as a result of an employee's actions, the employee shall be encouraged to undergo a debriefing conducted by a psychologist. The psychologist will be retained and paid by the department.

1. **This should occur within 24 hours if at all possible, depending upon the physical condition of the employee and the availability of the psychologist.**

2. **The purpose of this debriefing is to allow the employee to express his or her feelings and to have assistance in dealing with any moral, ethical or psychological after effects of the incident. These sessions are protected by a privileged physician/patient relationship (see 4732.19 ORC).**

C. The administrative review process may be used with employees who were involved in critical or traumatic incidents.

1.3.9 Authorization: Weapons and Ammunition

A. Firearms and ammunition

1. On-duty officers shall carry the departmentally-issued sidearm

a. Glock model 22, 23 or 27, .40 cal. semi-automatic handgun

1. Special exceptions may be made by permission of the Chief of Police.

b. Any officer may carry an approved handgun off-duty or as a second (backup) weapon while on duty.

1. Officers who carry any Personally-Owned, Departmentally-Approved (PODA) sidearm must have satisfactorily passed proficiency testing with that sidearm.

2. Officer will use departmentally-approved ammunition both on and off duty.

2. Officers carrying a departmentally-issued or approved sidearm, whether on or off duty, shall carry it loaded only with departmentally-approved ammunition.

a. The following is the list of specifications for departmentally-approved ammunition. Brands will vary due to cost consideration:

- 40 cal., 180 grain, jacketed hollow point
- 9 mm cal., 124 grain, jacketed hollow point
- .308 cal., 168 grain, match grade
- .380 cal. 90 grain and greater, jacketed hollow point
- .38 special/.38 special + P 125 grain and greater, jacketed hollow point
- .357 mag. 150 grain and greater, jacketed hollow point
- .357 sig. 125 grain and greater, jacketed hollow point
- .44 mag. 180 grain and greater, jacketed hollow point
- .45 ACP 185 grain and greater, jacketed hollow point
- 12 gauge, 00 buck
- 12 gauge, slug round
- 12 gauge, bean bag round
- 12 gauge, breaching round
- .223 Rem Bonded SP

b. **Under exceptional circumstances and in an instance of criticality, officers who may have exhausted their supply of ammunition may receive and use any compatible ammunition.**

c. **Other ammunition may be used for practice or legitimate sporting purposes.**

3. **Officers shall not carry any firearm or weapon while impaired by alcohol or drugs.**

4. **Officers shall not perform, or cause to be performed, any repair, modification or alteration upon any issued firearm or weapon unless authorized by the Chief of Police.**

   a. **Officers are responsible for the care and cleaning of their weapons and may only remove the slide, barrel, recoil spring, recoil spring tube and magazine for cleaning purposes.**

   b. **If repair, alteration or modification is performed on an approved off-duty or back up sidearm, it becomes an unauthorized weapon until inspected and re-approved by the Chief of Police or Firearms Instructor.**

      1. **The nature of the repair, modification or alteration and who performed it is to be detailed in writing and submitted to the Chief of Police or Firearms Instructor so that it may be attached to the Weapons Authorization Form.**

5. **Any weapon approved by the department and any ammunition carried by an officer is subject to inspection at any time by a supervisor or the Firearms Instructor.**

   a. **Periodic inspections of all issued and approved weapons are to be conducted quarterly by a supervisor or a Firearms Instructor.**

   b. **If an officer, supervisor or Firearms Instructor detects any defect which may affect the safe and proper operation of a weapon, the weapon is to be immediately taken out of service until repaired. A replacement weapon will be issued until the repair can be completed.**

6. **Officers shall secure and store firearms and other weapons both on and off duty in such a manner so as to ensure that no unauthorized persons will have access to, and gain control over, the weapon.**

    a. **Whenever an officer is in the department and removes his or her handgun, the officer is to secure the handgun in a locked, secure area which is not readily accessible to civilians, suspects, victims or witnesses. Handguns or other weapons are to be placed in a locked locker, a locked room or in a handgun security locker so that they are not readily accessible to unauthorized persons.**

    b. **If an officer sustains loss of, or damage to, any authorized firearm or weapon, it is to be immediately reported to the officer's supervisor and a written report prepared detailing the loss or damage.**

7. **The Administrative Captain will maintain a record for all weapons approved for use by the Chief of Police. If a departmentally approved weapon is repaired or replaced, it shall be duly noted in the inventory as to why this was occurring and what actions were done to remedy the situation.**

   The City will provide all the authorized weapons and ammunition to all newly hired officers. As the equipment is issued to the hired officers the Troy Police Department Issued Equipment List will be completed by the issuing officer and then initial and dated by the officer who received that equipment. This form then will be placed in that employee's file.

B. Shotguns

1. **The approved and authorized shotgun of the Troy Police Department is the Remington Model 870, 12 gauge shotgun.**

    a. **Unless unavailable, a shotgun will be carried in each patrol car operated by an officer. It will be stored in a designated area. The magazine will be fully loaded with 00 buckshot cartridges, with the chamber emptied, the trigger uncocked and the safety on.**

2. **An additional supply of cartridges may be carried in the glove box or the trunk of the patrol car.**

3. **Ammunition approved for use in the department shotguns is to be departmentally issued, commercially prepared brand name ammunition in 12 gauge and being 00 buckshot, rifled slug, blank grenade launching cartridges, issued pepper projectiles or less lethal impact projectile rounds.**

    a. **Cartridges other than the 00 buckshot may only be used in special situations when so authorized by a supervisor or officer in charge.**

C. Special weapons

1. **The special weapons owned and authorized for use by the department are:**

    a. **Remington model 700 bolt action rifle in caliber .308**

    b. **H&K MP-5 automatic machine gun in 9mm**

    c. **Penn Arms launcher gun in 40 mm**

    d. **Colt Model 6920 Carbine in 5.56 mm/.223 Rem Caliber**

2. **The previously listed special weapons are only to be employed by authorized TRT members or by members of the department that have been trained in their use and then only when directed by the Chief of Police or the TRT Commander.**

3. **Special weapons, devices, materials, ammunition or cartridges, such as light and noise distraction devices, explosive devices, pepper, smoke grenade launchers or less lethal impact projectile rounds, may be used only when authorized by the TRT Commander or a command officer.**

4. **When an officer is equipped with a special weapon. It is highly recommended that the officer not handcuffed a subject/suspect and will act as a cover officer.**

5. **When not in use, TRT weapons will be secured in the armory.**

D. Patrol Carbine

1. **The approved and authorized patrol carbine of the Troy Police Department is the Colt Model 6920, 5.56mm/.223 Rem caliber.**

    a. **Unless unavailable, a carbine will be carried in each patrol car operated by an officer. It will be stored in a designated area, 2 magazines will be fully loaded with Federal .223 Rem cal., 55 grain bonded, SP cartridges and inserted in the magazine well, with the chamber empty, the trigger cocked and the safety on.**

2. **An additional supply of cartridges may be carried in the glove box or trunk of the patrol car.**

3. **Ammunition approved for use in the patrol carbine is to be departmentally issued, commercially prepared brand named ammunition in 5.56mm or .223 Rem calibers.**

    a. **Under exceptional circumstances and in an instance of criticality, officers who have exhausted their supply of ammunition may receive and use any compatible ammunition.**

    b. **Other ammunition may be used for practice or other legitimate sporting purposes.**

E. Less lethal weapons

1. **Less lethal weapons which are approved to be carried by members of the Troy Police Department are those generally and commonly accepted for use by law enforcement officers. The established list of less lethal weapons is for those approved to be carried by sworn officers of the department. Auxiliary officers may also carry specifically indicated less lethal weapons when they are on duty and in uniform. The less lethal weapons shall be listed under a descriptive type or classification heading. Any less lethal weapon fitting the type or classification, but which is not included in the listing, shall not be carried.**

    a. Some of the less lethal weapons require training, certification or proficiency testing before they may be carried. Those requirements, if any, will be so noted at the weapon listing.

b. Weapons not currently listed as approved may be added later as technology, needs or laws changes. Updated or revised bulletins or addenda will be issued as appropriate.

2. Electronic Incapacitation Device (EID)

a. The X-26 Taser is the approved EID for the Troy Police Department.

b. Only officers who have completed a Taser training session and written examination are approved to carry or use the instrument.

c. Officers shall only carry and use Taser and Taser cartridges approved by the Chief of Police.

d. A record of cartridge serial numbers will be maintained in a log, which will be monitored and audited by a Taser instructor.

3. Impact weapons

a. Riot baton/stick constructed of wood, aluminum, nylon or plastic that doesn't exceed a diameter of 1 1/2 in. or a length of 36 in. It may not be leaded or otherwise weight enhanced. Instruction in use is required. Auxiliary approved.

b. Expandable baton which may not to exceed 21" in length. Instruction in use is required. Auxiliary approved. The ASP baton will be worn by officers while in uniform and wearing the duty belt, unless otherwise directed by the Chief of Police.

CAUTION: Whenever any weapon is used as an impact weapon, except when deadly force is warranted, it is prohibited to purposefully strike a person in the head, neck, throat, spine, tailbone, kidneys or solar plexus as a potential for inflicting death or serious physical harm exists when striking those areas.

4. Chemical agents

a. Issued pepper spray canisters of the type designed to be carried in a pouch on the duty belt. Instruction required. Auxiliary use approved.

1. Department issued pepper spray will be worn by all officers that are assigned to a uniformed function while engaged in field activities while on duty unless otherwise directed by the Chief of Police.

2. Treatment for exposure is copious amounts of fresh air and flushing with plain water. Officers and other persons exposed to the irritant should avoid the application of any creams, oils or soaps to affected areas as irritation may continue and cause skin to blister.

3. Arrestees who have been sprayed with pepper spray are to be taken to the hospital emergency room for treatment, if they so request.

b. Tear gas projectiles of the type designed to be used in a 12 ga. shotgun may be carried by an officer upon supervisory authorization when an incident may dictate probable use. Training is required.

c. Tear gas grenades may be carried only upon authorization by a supervisor for anticipated use to resolve a particular incident. Instruction and training are required.

d. Smoke grenades may be carried only upon authorization by a supervisor for anticipated use to resolve a particular incident. Instruction and training are required.

e. Light and noise distraction devices may be carried by TRT members only and upon authorization of TRT Commander or Chief of Police. Training is required.

5. Bean bag gun

a. The Remington Model 870, 12 gauge less lethal shotgun is the approved bean bag gun for the Troy Police Department. This less lethal model shotgun has an orange stock and fore-end and has "LESS LETHAL" written on the stock.

b. **The bean bag gun shall be carried unloaded in the soft case by the supervisor or the OIC. The bean bag gun should be inspected at the start of the shift to ensure that it is unloaded and that all bean bag rounds (5) are accounted for and that no unauthorized shotgun rounds are present.**

c. **Prior to using the bean bag gun, it shall be checked to ensure that only approved bean bag rounds are present in the gun and are used to load the gun.**

5. **Restraining devices**

a. **Handcuffs, plastic-cuffs, belly and/or leg chains as issued or approved by the Chief of Police.**

F. Clearing barrels

1. **The police department has clearing barrels for use in loading or unloading firearms. The barrels are located along the north wall of the classroom in the range building and in the sally port of the department.**

2. **The clearing barrels are to be used whenever a firearm is being loaded or unloaded while inside the police department or the range building.**

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1.3.10 Demonstrating Proficiency with Weapons

A. Officers will not use any departmentally approved weapon, lethal, less lethal, electronic incapacitation device, or less lethal projectile round in the performance of duty until the officer has satisfactorily demonstrated an established proficiency in its use.

1. Proficiency requires a satisfactory performance as outlined by the Firearms Instructor or certified instructor for that weapon. Such standards shall be developed by the Firearms Instructor and/or certified instructor and approved by the Chief of Police. Such standards shall require practical demonstration proficiency in the use of the firearm and satisfactory completion of a written examination pertaining to weapon use and laws relating thereto.

a. Practical demonstration and written examinations both require a minimum score of 80%.

B. The types of weapons for which proficiency testing is required are:

1. Handguns

2. Shotguns

3. Automatic or semi-automatic weapons

4. Bolt action and scope sighted rifles

5. Less lethal weapons

6. Less lethal impact projectile rounds

7. Electronic controlled weapons – i.e. Taser

8. Chemical spray

1.3.11 Annual/Biennial Proficiency Training

A. **Proficiency testing for on-duty and off-duty sidearms will be conducted twice a year: one day and one limited light course. Proficiency testing for employees authorized to use an electronic controlled weapon will be conducted annually. The course to be fired will be determined by the Firearms Instructor. In the event of any accidental discharge of an approved weapon, an officer must undergo proficiency retesting prior to returning to full duty.**

    1. **Proficiency testing will be conducted with the officers wearing their prescribed uniform of the day, when testing with duty side arms.**

    2. **Every sworn officer is mandated by the state to fire a state approved proficiency course once a year. A proficiency course will be done with every weapon the officer is authorized to carry on off duty.**

        a. **The state proficiency test will be used as part of the department's proficiency tests.**

    3. **All training will be conducted and/or monitored by a certified weapons or tactics instructor.**

B. **Proficiency testing for use of shotguns will be conducted twice a year.**

C. **Proficiency testing for the less lethal projectile rounds will be conducted once a year.**

D. **At least annually, each officer is required to receive in-service training on the agency's use-of-force policies and demonstrate proficiency with all approved weapons the officer is authorized to use. In-service training will be conducted biennial on the use of less lethal weapons and weaponless control techniques. This training can be done during shift briefing sessions or at scheduled range training.**

E. **Proficiency testing with approved weapons will be conducted using the ammunition approved for on duty use.**

F. **Special weapons proficiency testing will be conducted at least once a year at the direction of the TRT commander.**

    1. **TRT members assigned sniper duty will demonstrate proficiency semi-annually. They shall record the results of each practice**

session, to include distance to target, weather conditions, time of day, type of target and shot spread.

2. **TRT members shall be schooled in the legal, moral and technical aspects of the special weapons they are authorized to use.**

G. **Officers will be provided with no more than three opportunities per day during proficiency testing to demonstrate satisfactory performance. Satisfactory performance means attaining a minimum score of 80%.**

1. **Officers failing to attain a satisfactory performance will be granted a 10-day grace period during which they may attempt to attain a satisfactory performance level. Within this period and on the officer's time, the officer will report to the firing range for remedial training and retesting.**

    a. **Officers who fail to attain satisfactory performance will be subject to administrative action by the Chief of Police.**

H. **Testing conditions**

1. **A premise accepted by the Troy Police Department is that adequate and relevant training is essential and that as an officer is trained, so shall he act.**

2. **Weapons training and proficiency testing shall be so designed as to encompass patterns of encounter, which reflect the best available current information, such as:**

    a. **Encounter distance**

    b. **Light level**

    c. **Number of assailants/participants**

    d. **Incident locations**

    e. **Pre-encounter circumstances and conditions**

3. **Proficiency testing shall attempt to reflect conditions and circumstances, which require decision making as to target identification and shoot/don't shoot.**

I. **All records pertaining to training and proficiency testing will be documented and maintained in the training files.**

J. **Use of range.**

1. **The use of firearms at the Troy Police Department range may occur when:**

    a. **A range officer or firearms instructor is present and in charge of the range.**

    b. **By a sworn officer or an auxiliary officer for practice or recreational shooting.**

2. **Friends and family members may fire at the range under the supervision of the officer and after signing a waiver. The officer must be present during such firing.**

    a. **By other persons or law enforcement agencies when approved by the Chief of Police or range officer and after having signed a waiver of responsibility.**

3. **Sworn or auxiliary officers may request practice ammunition from the range officer or firearms instructor.**

4. **Care of range and facilities**

    a. **Whenever the range facility is used for any purpose, the person in charge who has requested use of the range will be held responsible for cleanup and security of the facility after use.**

        1. **Lights are to be turned off.**

        2. **Buildings are to be locked and secured.**

        3. **Grounds and buildings policed and trash placed in proper receptacles.**

        4. **All fires completely extinguished.**

        5. **Heating/air conditioning set at posted directions near controls.**

6. **Gates secured and locked upon leaving.**

7. **Violation or nonattendance to the rules and conditions for use are a basis for denial of subsequent use.**

8. **If picnic tables are moved from under the shelter, they are to be returned prior to leaving the range**

1.3.12 Issuing Written Directives

A. All sworn and auxiliary officers will receive copies and instruction on standards 1.3.1 through 1.3.5 before being authorized to carry a weapon.

B. The issuance and instruction will be documented and placed in the training file.

1.3.13 Analyze Reports from 1.3.6

A. Annually, the Detective Captain and the Patrol Captain will review all use of force reports/activities, policies and practices. A summary of the findings will be submitted to the Chief of Police.

1. At any time, the Chief of Police may order a review of the use of force reports.

B. The purpose of the review is to reveal patterns or trends that could indicate training needs and/or policy modifications.

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2.1.1 Geographical Boundaries

A. A map of the geographical boundaries for the City of Troy is located in the Communication Room of the department for reference. If there are any questions concerning city boundaries, the City of Troy Office may be contacted.

2.1.2 Concurrent Jurisdictions

A. The City of Troy provides primary law enforcement services to all areas inside its corporation boundaries. Within the boundaries of the city limits and upon those parcels of land owned by the city which are outside the city limits, there is some concurrent jurisdiction by other agencies relates to law enforcement.

1. The Miami County Sheriff's Department has enforcement jurisdiction within the municipality and upon city owned lands outside of the city limits.

2. The Ohio State Patrol has jurisdiction upon the roadways within the city limits and upon state owned lands within the municipality. By informal agreement, they have agreed to handle all traffic law enforcement, crash investigations and all other incidents including criminal complaints on that portion of Interstate 75 which falls within the city limits, including the on and off ramps.

a. If for some reason the OSP cannot respond, we will fully handle the traffic crash or other incident as if it had occurred at any other place within the city.

3. Federal law enforcement agencies such as the FBI, DEA and ATF have jurisdiction within the city limits to investigate federal crimes, i.e., bank robberies, weapons and drug violations. These agencies may be contacted by the Troy Police Department for assistance or they may initiate investigations within the city limits themselves. The Troy Police Department will cooperate with federal agencies in investigating criminal activity.

B. "A police officer...may arrest and detain, until a warrant can be obtained, any person…on the portion of any street or highway that is located immediately adjacent to the boundaries of the municipal corporation in which the police officer...is appointed...or employed." (2935.03 of the Ohio Revised Code)

2.1.3 Written Agreement for Services Provided

A. The Troy Police Department has joined into multiple Mutual Aid Agreements. One being with participating neighboring agencies in Miami County and the other with neighboring agencies in other surrounding counties. Mutual Aid is covered in section 737.04 of the Ohio Revised Code. The mutual aid agreements include:

1. **Legal status of agencies and agency personnel responding to mutual aid requests**
2. **Procedures for investing provider agency personnel with the legal authority to act within the receiver agency jurisdiction**
3. **Procedures for requesting mutual aid**
4. **Who may request mutual aid**
5. **To whom outside personnel are to report**
6. **Procedures for maintaining radio communication with outside personnel**
7. **Expenditures, if any, to be borne by the receiver agency to compensate for use of the provider agency's resources**
8. **Review and revision of the agreement**

2.1.4 Requesting Assistance: Federal LE/National Guard

A. In the event that federal law enforcement assistance is needed, the on duty supervisor will contact the Chief of Police who will, in turn, assess the situation and order notification of the appropriate federal agency.

1. Once federal agencies have become involved we will coordinate activities and assist the agency in any way possible.

B. Only the Mayor may request the assistance of the National Guard, through the office of the Governor of the State of Ohio.

1. The Chief of Police or acting Chief of Police may appeal through the Service and Safety Director's office for assistance from the National Guard.

4.1.6 Vascular Neck Restrictions

A. Definitions

1. **Vascular neck restrictions: Any use of force application to the neck intended to gain control of a subject by restricting blood flow to the brain for the purpose of incapacitation.**

B. Policy

1. **Vascular neck restraints are prohibited unless the use of deadly force is justified.**

4.1.7 Choke Holds

A. Definitions

1. **Choke Holds: Any contact with the neck that may inhibit breathing by compression of the airway in the neck, including efforts to recover ingested evidence.**

B. Policy

1. **Choke holds are prohibited unless the use of deadly force is justified.**

11.1.1 Description of Organization

A. The Troy Police Department is headed by the Chief of Police who is its chief executive officer (CEO). The department is divided into three major functional organizational components, which are designated as sections. Each section is headed by a Captain of Police who reports directly to the Chief of Police. These sections are:

1. The Administrative Section, which is staffed by non-sworn Personnel, except for the Administrative Captain.

a. The functions and duties of this section are records, parking control and liaison with 911/central dispatch. Other duties include the recruitment and selection of job applicants for the department and such other administrative duties as the Chief of Police may assign.

2. The Patrol Section is responsible for executing the patrol function, including traffic enforcement and crime prevention, through patrol techniques, responding to calls for service, crime reporting, preliminary investigations, selected follow-up investigations and other duties and responsibilities as generally proscribed for a patrol force.

a. The patrol section is subdivided into three shifts, each which is supervised by at least one Sergeant.

3. The Investigative Section, which has the primary responsibility for major crime investigation and follow-up investigations and such other duties as the Chief of Police may assign.

a. The SRO/DARE officers report to the Detective Captain.

4. The secretary is to report directly to the Chief of Police.

B. Every new officer will be required to read and review the “organizational structure" of the department. If there are any changes in the structure all employees will be issued the changes.

C. Section responsibilities and functions are as follows:

CHIEF OF POLICE (CEO)

1. **Prepare, submit and manage budget**
    a. **Determine needs**
        1. **Prepare requests and justifications**
    b. **Authorize/approve expenditure of funds**
        1. **Review/approve invoices**
2. **Oversee/coordinate section operations**
    a. **Assume field command in selected situations**
    b. **Assign responsibilities, delegate tasks**
3. **Maintain efficiency of operations**
    a. **Convene Staff meetings**
    b. **Review operations**
    c. **Establish policy**
    d. **Allocate resources**
    e. **Make decisions**
4. **Report to superiors**
    a. **Monthly, annual, special reports**
    b. **Attend staff, council meetings**
5. **Responsible for control and maintenance of physical assets and equipment**
    a. **Monitors condition/solicits information**
6. **Evaluate and act upon training needs**

a. **Disseminate information about available training**

b. **Accept/review requests for training**

c. **Schedule attendance for employees**

7. **Payroll**

    a. **Review and approve**

8. **Liaison with city offices and other governmental offices and agencies**

    a. **Maintain dialogue**

    b. **Attend meetings**

9. **Responsibility for morale and discipline**

    a. **Identify and resolve problems**

    b. **Conduct grievance hearings**

    c. **Commend or discipline when appropriate**

10. **Planning**

    a. **Anticipate and evaluate needs**

    b. **Prepare and submit plans**

        1. **Long Range (Strategic)**

        2. **Short term (Situational)**

    c. **Prepare and implement**

11. **Represents department to public**

    a. **Is spokesman for department**

        1. **Directly or by authorization**

    b. **Receives/reviews commendations or complaints**

1. **About employees**
2. **About policy**
3. **About services/procedures**

12. **Maintain liaison with Civil Service**

    a. **With regards to selection, recruitment, and promotions**

ADMINISTRATIVE CAPTAIN

1. **Inventory control.**

    a. **Forms, supplies.**

        1. **Keep check on material needed, reorder printed material.**

        2. **Keep all equipment working, replenish ribbons powders and other consumable items and supplies. Develop, modify and approve all agency forms.**

    b. **Physical assets and equipment.**

        1. **Keep track of all major items purchased by tagging them and logging them on an inventory list.**

        2. List all items worn out or destroyed on the inventory list. Once a year, prepare a complete inventory list and give to Service and Safety Director's Office.

2. **Oversee computer maintenance.**

3. **Oversee communications operations.**

    a. **Is responsible for communications operations.**

4. **Maintain equipment or see that it is maintained.**

5. **Keep the front desk area supplied.**

6. **Maintain liaison with 911/Central dispatch center.**

7. **Screen job applicants.**
    a. **Conduct interviews, does background investigations, schedule tests for the applicants.**
        1. **Make recommendations.**
8. **Oversee parking control operations and personnel.**
    a. **Supervise parking control officer.**
9. **Keep parking department supplied.**
10. **Make any changes needed in the parking procedure.**
11. **Issue summons for delinquent violators and go to court.**
12. **Crime prevention-Community Relations programs, coordination, etc.**
    a. **Coordinate requests for programs and surveys.**
    b. **Maintain liaison with prevention groups.**
13. **Oversee training programs and maintain records.**
14. **Acts as media relations person.**
15. **Mug shot and fingerprint files.**
    a. **Causes mug shot camera to be operable and loaded with current form of a media.**
    b. **Maintain camera log sheets at mug shot locations.**
    c. **Download photos into the department's computer system under processing photo file.**
    d. **Fingerprint cards are automatically email to BCI, via the fingerprint machine and are kept on file with BCI. Send appropriate copies to FBI and Miami Valley Regional Crime Lab as required.**

e. **Return illegible or improperly filled out cards to officer for correction.**

PATROL CAPTAIN

1. Oversee three shifts of patrol operations and personnel.

a. **Identify problems/needs.**

b. **Assign tasks.**

c. **Monitor operations.**

d. **Review/oversee scheduling.**

2. To assure adequate shift manpower.

3. Oversee extra duty overtime requests and assignments.

a. **Poll officers.**

b. **Prepare and post assignments.**

c. **Maintain records.**

4. Check written reports generated by patrol section.

a. **Remand to shift supervisor or preparing officer for corrections, additions or deletions as necessary.**

b. **Assign cases for follow up or route to appropriate section for follow up.**

5. Monitor condition of patrol vehicles.

a. **Oversee maintenance, repair, and supplies.**

6. Maintain adequate manpower on shifts.

a. **Receive/review vacation, days off, other leave requests.**

1. **Approve/deny.**

7. Maintains inventory on selected items used by patrol force.

a. Flashlight batteries, road flares, etc.

8. Prepare and submit reports to CEO.

a. Operations related.

b. Discipline related.

9. Receive and attempt to resolve grievances.

a. Forward to CEO if unable to resolve.

<u>DETECTIVE CAPTAIN</u>

1. Assign and/or follow up investigation of major crimes.

a. Evaluate cases and assign to investigator.

1. Record on case assignment within the department's case assignment system.

b. Periodically review status of assigned cases

1. Make decision to continue, suspend or close.

2. Routes case file to appropriate section/person.

c. Assist investigator or personally conduct the investigation.

1. Nature of case, subordinate workload, etc.

2. Special, confidential or drug investigations.

a. Assigns investigator.

b. Cause files to be prepared and maintained.

c. Determine and obtain resources needed.

1. Monies for buys, informants, etc.

2. Specialized equipment.

d. Maintain, or cause to be maintained, accounting records.

1. For monies expended.

2. For monies or items obtained or Confiscated, as required by law.

2. Collection and preservation of evidence.

a. Monitor and review department procedures.

1. Call attention to inadequacies and/or new or improved methods.

2. Cause and develop training for members in procedures.

b. Obtain and distribute evidence gathering supplies and materials.

1. Re-supply evidence kits.

2. Maintain stock of vials, envelopes, containers, etc.

c. Cause evidence to be transported and retrieved from laboratories.

d. Oversee property room operations.

1. Supervise property control officer.

2. Maintains property room and records.

3. Retains or disposes of property according to law.

3. Conduct extraditions.

a. Establish and maintain liaison.

1. With local courts and prosecutors.

2. With apprehending agency.

3. **With court of jurisdiction holding suspect.**

b. **Coordinate paperwork.**

c. **Assign officer(s) to go after prisoner.**

1. **Coordinate travel arrangements.**

2. **Collect and submit expense vouchers.**

4. Public Education/Information.

a. **Coordinate news releases/prepare information on major or special cases.**

5. Supervise DARE/SRO officers.

a. **Assign juvenile or school related cases.**

b. **Schedule or direct other tasks or duties.**

c. **Recommend or schedule training.**

d. **Monitor funds/expenditures.**

e. **Investigative/liaison duties in school system.**

1. **Coordinate with school officials.**

6. Control/placement/use of specialized monitoring and investigative equipment.

a. **Specialized visual and listening devices.**

b. **Remote sending devices.**

7. Investigate all deaths in our jurisdiction.

a. **Monitor or direct investigations.**

b. **Coroner's Investigator Coordinator.**

c. Coordinates and maintains liaison with Coroner.

d. **Investigates deaths, prepares reports, takes property into custody in accordance with statutes.**

8. Assist outside city if other investigators unavailable.

9. Supervise detectives.

a. **Assign cases.**

1. **Monitor status.**

b. **Determine work schedule/hours/assignments.**

10. Approve vacation, sick leave, overtime, etc.

DETECTIVE

1. **Works assigned cases, develops contacts and informants. Work cases that are developed by these contacts.**
2. **Assist patrol division with cases.**
3. **Assist in or investigate abuse and sexual abuse cases involving children.**
   a. **Assist patrol officers.**
   b. **Prepare and present cases to court.**
4. **Follow up missing juveniles/monitor compliance with missing person report laws.**

DARE/SRO OFFICER

1. **Maintain relations with school principals and other key personnel.**
2. **Prepare and teach DARE core curriculum as scheduled.**
3. **Review homework assignments.**
4. **Prepare and distribute DARE related material.**

5. **Coordinate funding for program.**
6. **Keep records of activity.**
7. **Develop and present safety programs to youth of community.**
    a. **In cooperation with school system.**
8. **Present pre-planned and developed programs.**
9. **Respond to requests.**
10. **Research and discuss needs.**
11. **Present/conduct programs to other groups.**
    a. **Scouts.**
    b. **Church youth groups.**
    c. **Conduct Safety Town.**
    d. **Better Bike Camp.**
12. **Develop and present programs to clubs, groups, organizations.**
13. **Oversee "Block Parent Program".**
    a. **Screen applicants.**
14. **Transports charges to juvenile court.**

PATROL SERGEANTS

See Civil Service description

PATROL OFFICERS

See Civil Service description

(030211)

11.1.2 Organizational Chart

A. The department's organizational structure is depicted graphically on an organizational chart that is reviewed and updated as needed.

1. Copies of the chart will be posted in the department, accessible to all employees.

11.2.1 Employee Accountability

A. It is the policy of the Troy Police Department that an employee is to be accountable to only one supervisor at any given time.

1. **An employee cannot be expected to perform efficiently and responsibly if the employee has more than one supervisor giving directions, commands or assignments. Conflicts and confusion will result.**

2. **Occasionally, conditions or circumstances may arise whereby a supervisor may have to give, or may wish to give, a direction, command or assignment to an employee who is not under his or her direct command. This should occur only in the most extraordinary of circumstances.**

3. **Supervisors should make a concerted effort to avoid giving directions, commands or assignments to employees not under their immediate command and/or not in their section. Unless an emergency or other matter requiring immediate action occurs, supervisors are to confer with or notify the supervisor in charge from an employee's section before giving a direction, command or assignment.**

    a. **The correct and preferred protocol is to contact the ranking supervisor in the other section so that a supervisor from the proper section may give the direction, issue the command or make the assignment.**

11.2.2 Direct Command, Component

A. Each section shall be under the direct supervision and command of only one supervisor. This places responsibility and accountability for performance of that section on a particular person.

11.3.1 Responsibility/Authority

A. Each member of this department will assume the authority to carry out any and all duties and responsibilities which are delineated in these orders by policy and/or by any law or ordinance governing any particular member's conduct.

B. Each member of this department is accountable for the use of delegated authority. At every level within the department, personnel are given the authority to make decisions necessary for the effective execution of their responsibilities. Members are accountable for their authority, particularly when it can be construed to amount to misfeasance, malfeasance, or nonfeasance.

11.3.2 Supervisory Accountability

A. In order to achieve and insure effective direction, coordination, and control, supervisors will be held accountable for the performance of all employees under their immediate control. This applies to each level of supervision within the police department.

11.4.1 Administrative Reporting Program

A. The Troy Police Department has an administrative reporting program which includes:

1. **Annual reports**
2. **Monthly reports**
3. **Daily reports of significant interest or activity as generated by shift supervisors**
4. **Vehicle or equipment status reports**

B. The Chief of Police is responsible for the assembly of data and the reporting of information necessary for the efficient operation of the department. The Chief may assign officers or other personnel the task of collecting information and preparing the necessary reports.

1. **Staff has been delegated the responsibility of preparing and submitting to the Chief periodic reports required by CALEA standards that pertain to their section. This listing is in the Calendar of Reports.**
2. **The Records Section under the charge of the Administrative Captain will prepare all necessary Uniform Crime Reports (UCR) to be submitted to the FBI.**
3. **The Chief and Captains will prepare monthly and/or annual reports detailing the activities and performance of the agency and its' members.**

C. The agency will use monthly, yearly, and daily reports to:

1. **Allocate personnel, determine workloads, identify needed resources and prepare budgets.**
2. **Set department goals, evaluate progress towards goals, and to help determine the effectiveness and efficiency of actions taken.**
3. **Insure compliance with policy and procedures.**
4. **Provide timely information to City Administration, Council, and others who may have an interest.**

D. Yearly, monthly, and daily reports are produced as each of their names suggest.

1. **The Calendar of Reports lists each report due, who must produce it and which section of policy it pertains to. The Chief and all Captains are issued this document.**

2. **Specialized reports may be found necessary for efficient operations or to address particular concerns and may be compiled at the direction of the Chief or Captains. The frequency of these reports will be determined by the compiling or requesting parties.**

E. State law indicates that all completed reports of government agencies must be made available to any person on request. However, initial distribution of reports would be as follows:

1. **Annual reports will be distributed to the Service and Safety Director, City Council, the Chief of Police and Captains of this department and the Accreditation Manager.**

2. **Monthly reports will be distributed to the Service and Safety Director, City Council, the Chief of Police and the Accreditation Manager. They may, depending on their nature, also be distributed to Captains, Sergeants, or posted for all personnel.**

3. **Daily reports will be made to Captains of the section.**

4. **Specialized reports may be distributed as directed by the Chief of Police.**

11.4.2 Accountability for Agency Forms

A. The Administrative Captain is responsible for maintaining the reporting system, to include development, review, updating and deletion of forms no longer in use. Maintaining adequate inventory of such forms is also the Administrative Captain's responsibility.

1. When developing new forms, the Captain should be diligent to:

a. Ensure that there is no duplication of information already collected on other forms.

b. Check the format of information collected to make sure it is consistent with data processing requirements and records maintenance.

c. Review proposed form changes with affected personnel to ensure that the new form will be useful and that the form can be filled out and processed correctly.

B. The Administrative Captain may not delete, modify or create new forms without a review by, and approval of the Chief of Police.

C. Department personnel may not create new forms without approval of the Administrative Captain and the Chief of Police.

11.4.3 Accreditation Maintenance

A. The accreditation manager will be responsible for ensuring that periodic reports, reviews, and other activities mandated by applicable standards are accomplished.

1. Annually a calendar of proposed time sensitive activities will be prepared and disseminated to all personnel responsible for the particular reports and activities within their function.

2. A monthly calendar will be disseminated to each person assigned a particular task to be completed. The completed calendar and any required documentation will be forwarded to the accreditation manager within five business days following the end of the month assigned.

3. A request for additional time to complete an assigned task must be made in writing and approved by the Chief of Police.

B. Periodic audits shall be conducted to ensure compliance with accreditation standards, reporting, and record keeping.

1. A written report of the results of this audit shall be furnished to the Chief of Police by the accreditation manager, including recommendations to rectify deficiencies.

11.4.4 Computer Software Policy

Computer Software, Hardware, Internet, Electronic Mail and Online Services

A. The agency recognizes that the introduction of external data or software could result in virus infections of the computer system or workstations and should be checked before being utilized.

1. The server and all workstations have software installed for the purpose of virus protection.

a. No user of any computer is to disable or in any way prevent the virus protection from scanning any computer.

b. All virus protection programs are set to automatically update and to run at various times and on a regular status.

c. All external e-mail is scanned for virus prior to delivery to recipients.

d. The e-mail provider and virus protection are configured to prevent files from being delivered with the extensions of .bat, .exe, .com and others that regularly contains viruses.

B. Documentation of all licensing requirements will be filed and maintained with the Management Information Systems Department (MIS).

1. Duplicating, selling or otherwise copying for purposes of distributing software products (other than under the terms of the software license agreement) is forbidden.

2. The only exception is the user's right to make a backup copy for archival purposes.

3. It is not permissible to load non-organization software onto any city owned computer without specific permission of the Chief of Police.

C. Personnel are not authorized to physically remove any agency owned computer equipment or intangible items such as software without approval of the Chief of Police.

1. **Office computers are the property of the City of Troy. Therefore, an employee's use of an office computer for purposes other than work-related matters is prohibited.**

D. The use of the internet, electronic mail and online services is for the purposes of enhancing the productivity of the department. The resources are intended to be used for business purposes only. Uses that interfere with normal business activities, involving solicitation, or associated with any for-profit business activities or could embarrass the city are strictly forbidden.

E. Department members shall not use the internet, electronic mail and online services for any of the following:

1. **Operating a business for personal gain, sending chain letters or soliciting money for religious and political causes.**

2. **To transmit or download material that is obscene, pornographic, threatening or racially or sexually harassing.**

3. **3. To disseminate or print copyrighted materials (including articles and software) in violation of copyright laws.**

4. **To provide access to confidential information.**

5. **To provide access to public information without following the existing rules and procedures of the custodial agency for dissemination.**

6. **To access an account or signature line other than their own.**

F. All records of computer use, internet use and electronic mail messages are the property of the City of Troy. The City reserves the right to monitor all user access/use, records of internet use, and electronic mail messages at any time, without prior notice.

G. The server has access to the internet by a series of routers and switches. This allows the complete network to access the internet and other external law enforcement site. To prevent unauthorized, outside access into the departmental network, the series of routers works in conjunction with a hardware firewall.

11.4.5 Notify CEO of Incident with Liability

A. The Chief of Police or his designee shall be notified where there may be a question as to the agency's liability or those that may result in heightened community interest. All supervisors are reminded to carefully examine all incidents wherein employees have allegedly performed in a manner that created an increased likeliness of death or serious injury to persons or significant loss of property and take appropriate action.

B. The shift supervisor is responsible to see that the section Captains and the Chief of Police are notified in case of the following circumstances:

1. **All serious police emergencies;**
2. **Serious injuries or death to department and/or other city employees;**
3. **Serious damage to city property or equipment;**
4. **Police pursuits by this department and/or which traverse through the city;**
5. **Incidents involving city council members and/or city supervisors/department heads;**
6. **All matters which might result in a complaint to the office of the Service and Safety Director;**
7. **When the tactical response team (TRT) is activated or requested by another agency;**
8. **Unusual mutual aid requests by or for the department; and**
9. **As required under the city's emergency operations plan (EOP).**

C. It is understood that the preceding notification list is not all encompassing, and circumstances and good judgment may require that these personnel be notified on other matters as well. The shift supervisor's responsibility is to contact the Patrol Captain first, review the incident with the Patrol Captain, and then the Patrol Captain will decide whether immediate notification or next duty day notification of the Chief of Police and Service and Safety Director is the appropriate response. The Patrol Captain will also decide whether the Patrol Captain, the shift supervisor or other designee will make the notification. If the Patrol

Captain or the Chief of Police cannot be notified, notification shall be made to the Administrative Captain.

D. If a member of the police department is killed or sustains a serious injury, the Chief of Police and the appropriate section Captain will be immediately notified of the incident.

E. If injuries sustained by an employee are minor in nature, the officer will immediately notify the supervisor. The supervisor will determine if the employee will be required to report to the hospital for treatment. Supervisory officers shall bear in mind that all injuries should be treated at a medical facility unless the injuries are very obviously superficial in nature. If an employee is seriously injured and unable to submit a report of the incident, the employee's immediate supervisor will complete a detailed report to the Chief of Police before the end of the shift.

F. Employees will submit a detailed report to the Chief of Police if they sustain any injury while on duty, even if medical treatment is not required. This report will be submitted prior to the end of the shift. The supervisory officer involved will submit a report to the Chief of Police concerning their investigation of the incident and will submit the report within 24 hours of the incident.

Notifications and Major Case Procedure Initiation

A. For reports of missing children which involve cases that are classified as "critically-missing" or "at-risk missing" requires the immediate notification of the Patrol Captain, Administrative Captain, and the Chief of Police in the same manner as a major case investigation.

The Investigative Captain is responsible for advising the Chief of Police and the section Captains of vice, drug, and organized crime information. These briefings will be provided as directed by the Chief of Police or on an as needed basis determined by the Investigative Captain. Such information can be in the form of an interoffice memo, verbal communication or other such communications that will not interfere with the agency mission

In the event of a TRT call-out, the shift supervisor or his designee will immediately notify the Patrol Captain, Administrative Captain, and the Chief of Police.

The shift supervisor will respond to any and all calls for service reporting a bomb threat, a suspicious package believed to be an explosive device, the locating of an undetonated explosive device, and/or the scene of an

explosion. The shift supervisor shall take command of the scene for police operations. The shift supervisor will further notify, or cause to be notified, the Chief of Police, the Patrol Captain, and the Administrative Captain in all such situations.

12.1.1 CEO Authority and Responsibility

A. The Chief of Police is the chief executive officer (CEO) of the police department. He is vested with the authority and responsibility for the management, direction, and control of the Troy Police Department. Authority is derived from applicable sections of the Ohio Revised Code, Ordinances of the City of Troy, and applicable sections of the Rules and Regulations for the Government of the Troy Police Department of the City of Troy Ohio.

1. **Section 737 of the Ohio Revised Code**

2. **Rules and regulation sections 2.1 thru 2.19**

12.1.2 Command Protocol

A. In order to provide for continuing command in the event of the absence or incapacitation of the Chief of Police the following shall apply:

1. When the Chief of Police will be foreseeably unavailable due to sickness, vacation, or any other reason, the command of the police department shall be the responsibility of that command officer which he has so designated by special order as the "Acting Chief of Police" during his absence.

2. If the Chief is unavailable due to sudden illness, incapacitation, or other reason, command shall fall to an officer in the next lower rank, and in particular to the officer having the longest length of service in that rank.

B. Generally, the highest ranking officer on a scene is to command an operation.

1. The highest ranking officer on scene may designate a lower ranking officer in command due to specific training, assignment, or expertise of the lower ranking officer.

2. The highest ranking officer on scene may be relieved of his command status by a higher ranking officer arriving at the scene.

C. If more than one section of the department is involved in a single operation or situation, command of the operation will be designated to the section by the Chief or Acting Chief.

1. If the Chief or Acting Chief is unavailable, command of the operation shall remain with the section within which the situation originated and specifically with the highest ranking officer available within that section. Section B above applies.

D. In normal day to day operations, the highest ranking officer on scene is in charge of that scene until or unless they are relieved by a senior officer, officer in charge (OIC), or higher ranking officer of the department.

1. Whenever command changes, it is the responsibility of the officer assuming command to make sure everyone on the scene is aware of the change.

12.1.3 Obey Lawful Orders

A. All employees are required to obey any lawful order given them by a superior officer. This includes any lawful order relayed from a superior by an employee of equal or lesser rank.

B. Occasionally, an employee may receive conflicting or unlawful orders or directives. In such event, the employee should:

1. **Inform his supervisor of the conflict so that it can be resolved.**

2. **If a supervisor is not available or if time or other circumstances preclude a resolution, the employee is to follow the most recent order. The employee is not to be held accountable for disobeying the other order or directive.**

12.1.4 Functional Communication/Cooperation

A. It serves the best interest and efficient operation of the department that all sections coordinate their activities, work together to solve problems and exchange information.

1. Information can and should be exchanged between all sections of the department. This exchange can be accomplished by need of importance or by the following:

- **Staff meeting or direct conversation**
- **Memos**
- **E-mail**
- **Roll call**
- **Any other means appropriate**

a. Information should be exchanged directly with those officers involved with a situation if at all possible. If the officers involved in a situation are not known or if there are doubts the information will be received, this information should be provided to the head of the designated section or if the information is urgent a supervisor on duty.

b. Extreme caution should be used in disseminating information which is highly confidential or sensitive in nature. If any doubt exists whether information should be given out, consult a supervisor.

2. Coordination of activities helps with the efficiency of the organization and prevents duplication of effort.

a. Whenever 2 or more sections of the department are working on a single issue, the highest ranking available officers of each section should work together to coordinate their activities.

b. If a situation arises that cannot be resolved between the sections, the matter will be referred to the Chief or Acting Chief for resolution.

12.2.1 The Written Directive System

A. Value and Mission Statement - The Troy Police Department has developed a mission statement that all members of the department will use in the course of their daily activities. The statement will become a part of this document and will be posted in the common areas of the department.

MISSION STATEMENT

The Troy Police Department is committed to working in partnership with our community to improve the quality of life in our city. We are dedicated to solving community problems, the reduction of crime, and the preservation of laws, ordinances, and the constitutional rights of all persons within our jurisdiction.

VALUES

Dedication to achieving the department's mission

Positive contributions and innovations are supported and encouraged in the achievement of organizational goals

Empowering employees to make decisions to solve community concerns

Organizational pride and respect for oneself and others will ensure professional growth and teamwork

Strive for excellence through appropriate training, planning, and utilization of available resources

Professional development of each member of the organization

GOALS

The adherence to and belief in these values and the promotion of professional law enforcement will distinguish the Troy Police Department as a truly exceptional police organization.

To protect life, liberty, and property

To reduce criminal opportunity

To recover lost or stolen property

To preserve civil order

To investigate criminal incidents

To enforce statutory law and vigorously seek prosecution

To provide assistance and customer service through education, advice, community involvement, and proactive law enforcement operations

1. **Collectively all members of the police department have developed a Mission Statement, Organizational Values, and Fundamental Goals.**

    a. **All members of the agency will have access to our document.**

B. **Directives will consist of General Orders, Special Orders, and Memoranda, that will provide procedures for carrying out agency activities.**

1. **General Orders are issued to announce adoption or revision of policies and to direct procedures for the indefinite future. The following are proper subject of General Orders:**

    a. **Institution of permanent procedures, policies, and manuals related thereto. Examples: investigative procedures, arrest procedures, and procedures for persons in custody**

    b. **Permanent changes in organization**

    c. **Installation of permanent programs which affect more than one unit subordinate to the issuing authority**

    d. **Permanent personnel policies and procedures including recruiting, hiring, training, and promotion policies, but not including changes of status such as transfers, promotion of individuals, etc.**

    e. **Use of public facilities and equipment, and expenditure of public funds**

    f. **Relationships with other agencies and citizens**

2. **Special Orders are issued to announce policies or direct procedures concerning a specific circumstance or event, or policy or procedure which is of a temporary or self-canceling**

nature, or involving only specific segments of activities. The following are examples of proper subject matter for Special Orders:

a. Specific instructions to accomplish a particular objective. Once accomplished there will be no need for continuing instructions. Examples: re-numbering or assignment of police vehicles; assignment of working hours for specific commands

b. Temporary procedures designed to cover a special occurrence or event which is of a temporary or short-term nature

(1). Instruction for the use and deployment of manpower to a particular public gathering such as a parade route, including the assignment of individual duties

(2). Assignment of, and special instructions for, personnel in training programs, firearms, qualifications, etc.

(3). Periodic records destruction dates and special instructions for the date concerned

(4). Annual budget preparation deadlines and special instructions for the year contemplated

c. Directives to a specific unit or units which do not influence the operations of others, and for which no organizational change is needed

(1). Maintenance of police-owned firearms inventory lists

(2). Special evaluations of personnel in a particular unit

d. Special Orders are not part of the General Orders Manual because they are temporary in nature. Supervisors may wish to keep a file record of all Special Orders which are issued to them.

(1). Supervisors shall be responsible for acknowledging the receipt of this material by their personnel.

C. Memoranda are informational bulletins containing suggestions, notices, or announcements of general interest at all levels of the organization. Such Memoranda are not official orders, but express the thinking of the Issuing authority on the subject under consideration (Memoranda is not to be confused with the Memo form used to report investigations of a non-criminal nature). Memoranda may be placed on the department bulletin board, or in the computer e-mail system, and should be reviewed daily during roll call. These Memoranda require no numbering system, however, a copy should be made for the file for future reference. Memoranda may be issued for the following purposes:

1. **To disseminate information or instructions which do not warrant a formal order**

2. **To direct the actions of subordinates in specific situations or circumstances under a level of command not authorized to issue General or Special Orders. Such directions shall not deviate from, or conflict with, established policies and procedures, as documented by higher authority**

3. **To explain or emphasize portions of previously issued orders**

4. **To inform members of actions or policies of other agencies**

D. Issuing Authorities

1. **General Orders are issued, modify, or approved by the Chief of Police to announce organization-wide policies and procedures which are applicable for the indefinite future.**

2. **Special Orders are issued by the Chief of Police or Division Commanders. Special Orders concerning particular events or subjects under the command of supervising officers should be prepared by that level of command and submitted to the Chief for his approval and signature.**

3. **Memoranda generally will be issued by a Supervisor or other authorized personnel. Authorization is granted on a situation by situation basis, as appropriate under the circumstances, and as a general rule, requires approval by a Supervisor.**

E. Preparation of Written Orders

1. **Written orders and memoranda issued at any level of command shall not conflict with established policies and procedure directed by a higher authority.**

2. **All orders and memoranda will be stated in precise and positive terms, with grammatical accuracy.**

3. **Whenever applicable, all orders and memoranda shall carry notations directing attention to other published documents which are related. An order or memoranda which rescind or supersede other orders, memoranda, etc., will carry the identifying notations necessary to connect them.**

4. **Any department publications that are posted on the bulletin board for review shall have a posted and removal date.**

F. Index and General Format

1. **All written directives will be issued on official department stationery with the appropriate headings. Procedural specifications for all orders and memoranda will be mandated by the Chief of Police.**

2. **General Orders will be numbered sequentially with three digits, i.e.,1.3.1. The first digit indicates the general area or topical subject. The second digit indicates the specific topical subject. The third digit indicates the specific directive or procedural requirement. This number will be placed on all General Orders.**

3. **Special Orders and Memoranda do not require a reference number. However, all special orders and memoranda will be sent to the Chief's office for filing purpose.**

G. The directives will conform to the basic format of the Standards Manual of the Law Enforcement Agency Accreditation Program and shall be indexed, updated, revised, and purged in accordance with CALEA standards and as otherwise provided in directives.

H. Any proposed or revised General Orders, Special Orders, or other memorandum of note, there will be a review at the direction of the Chief of Police. This may include review of all divisional publications, particularly all standing Special Orders, for possible incorporation into the General Orders Manual.

1. **General Orders will be disseminated to all supervisors for review and input prior to implementation. This is to ensure they do not contradict other existing agency directives or applicable law.**

2. **Written directives affecting special line operations will be reviewed in line function meetings. (See General Order 12.1.4)**

12.2.2 Dissemination and Storage

A. Dissemination of new or newly revised directives to all affected personnel will be accomplished by:

1. Hard copies of the directives strategically located in the department

2. Through the computer or electronic media where all the directives are stored

B. The storage of the directives will be done by the computer or electronic media and hard copies printed from the computer. There are numerous computer terminals located in the department for easy accessibility. Copies may also be obtained from the computer if the employee would like to have an individual copy of a specific section.

C. Acknowledgement indicating receipt and review of disseminated directives will be logged electronically or on paper. Electronic acknowledgement will be documented with the Department's policy and procedure management software (Power DMS). Paper acknowledgements should be documented on a "Written Directive Distribution Log" form. The acknowledgement will be maintained by the Accreditation Manager.

15.1.1 Activities of Planning and Research

N/A by Function

15.1.2 Organizational Placement/Planning and Research

N/A by Function

15.1.3 Multiyear Plan

A. The Troy Police Department has a current five year plan which includes the following:

1. **Long-term goals and operational objectives;**
2. **Anticipated workload and population trends;**
3. **Anticipated personnel levels;**
4. **Anticipated capital improvements and equipment needs; and**
5. **Provisions for review and revision as needed.**

15.2.1 Annual Updating/Goals and Objectives

A. The Chief will submit in writing yearly goals and objectives for the agency and each organizational component. These goals and objectives will be made available by January 31 of each year.

B. A memorandum outlining the departmental goals and objectives will be posted and distributed to all affected personnel.

C. These goals and objectives will be updated annually.

1. **"Goal" is a relatively broad statement of the end or result that one intends ultimately to achieve. A goal usually requires a relatively long time span to achieve and, whenever possible, should be stated in a way that permits measurement of its achievement.**

2. **"Objective" is an end or result that one intends to attain in order to achieve partial fulfillment of a goal. An objective is a sub-goal or an element of a goal and, therefore, requires a shorter time to accomplish than does a goal.**

15.2.2 System for Evaluation/Goals and Objectives

A. The Chief of Police is required to submit an annual report stating the progress made toward the attainment of goals and objectives for the preceding year.

15.3.1 Crime Analysis

The purpose of this General Order is to establish a written directive, which describes the Department's crime analysis procedures. This is to ensure that the Crime Analysis function is conducted in a manner which allows the best use of data gathered from the agency's records and reports, and that such information is utilized in planning, crime prevention and tactical applications.

Crime analysis is a function whereby data relating to crime are collected, collated, analyzed, and disseminated. Data are primarily generated from records and reports within the law the law enforcement agencies, other agencies of the criminal justice system, other government agencies, and private organizations.

The collection, analysis, and distribution of readily available crime data information to affected personnel will enhance agency effectiveness.

The information obtained by analyzing the data is used to support management and operations. The Patrol section will be provided with information that can benefit them in the development of daily operational and tactic planning. Staff functions receive information for use in strategic planning as it relates to such topics as crime trends, agency resource allocation, crime prevention, and other associated areas. This standard addresses crime analysis as it relates to operational, strategic and tactical activities.

A. Specification of source of documents - Specification of source documents from which crime analysis data elements extracted.

The following are source documents from which crime analysis data elements can be extracted:

1. **Offense reports**
2. **UCR/NIBRS reports**
3. **Arrest records**
4. **Statistical reports**
5. **Intelligence reports, in-house and from other agencies**

B. Analysis – The Detective Captain will review all information received from source documentation and prepare a monthly crime analysis report. The report will review the following types of crimes (at a minimum):

1. **Burglary/Breaking & Entering**
2. **Thefts**
3. **Robbery**
4. **Sex Offenses; and**
5. **Stolen Vehicles**

The Detective section will review all reports and information received from outside agencies and forwards all pertinent information to the Patrol Section. The Detective Captain shall keep the Patrol section informed of information received from other agencies that affects criminal activity in City of Troy.

C. Distribution/Disseminating - The Detective Captain will distribute crime analysis information to the Chief of Police, Command Staff and the Patrol Sergeants, this will be done by email and a copy will be placed on the roll call sign off board. This will be done on a monthly basis.

1. **The Detective Captain or his designee is responsible is for the dissemination of crime analysis information to outside criminal justice agencies.**

2. **Crime analysis information may also be released to media representative by the Chief or any of the Command staff.**

D. Briefing – The Chief of Police will be forwarded a copy of the crime analysis reports. Any member of the Command Staff will keep the Chief of Police apprised of any crime trends and/or patterns.

16.1.1 Position Management System

A. **Total personnel strength as authorized by the City of Troy.**

   1. **43 sworn police officers.**

      a. **1 Chief of Police**

      b. **3 Captains of Police**

      c. **6 Sergeants of Police**

      d. **33 Patrol Officers**

   2. **6 Civilian Personnel**

      a. **3 Clerk/Typist**

      b. **1 Secretary**

      c. **1 Parking control person**

      d. **1 Building Superintendent**

   3. **25 Auxiliary Officers**

B. **Number of personnel by rank or job title in each organizational section or components, including civilians.**

   1. **Chief Executive Officer**

      a. **Staffed by the Chief of Police**

      b. **1 Secretary**

   2. **Administrative Section**

      a. **1 Captain as section head**

      b. **3 Clerk/Typist**

      c. **1 Parking Control/Meter repair person**

      d. **1 Building Superintendent**

3. **Investigative Section**

    a. **1 Captain as section head**

    b. **1 Property Room Sergeant/Officer**

    c. **3 Patrol Officers/Sergeants assigned as Detectives**

    d. **3 Patrol Officers assigned as D.A.R.E. Officers/Investigators.**

4. **Patrol Section**

    a. **1 Captain as section head**

    b. **3-6 Sergeants as shift supervisors**

    c. **28 Patrol officers**

C. **Position status information, whether filled or vacant, for each authorized position in the department is published in the work schedule and organizational chart.**

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16.1.2 Workload Assignment

A. Basing allocation of personnel on workload demands has a significant influence on the efficiency and effectiveness of the department. The department will attempt to prevent over and under staffing by insuring that the personnel strength of an organizational component is consistent with the workload.

B. Workload assessments will be conducted at least every three years and in accordance with the cities five year plan but may be conducted more often based on need. Recommendations in staffing levels based on these assessments will be computed by the Chief of Police and may be used for department allocation of personnel, request for additional staffing of sworn or unsworn positions, or budgeting preparation. Consideration will be given to the following information.

1. **Outstanding programs and projects.**
2. **Job analysis.**
3. **Personnel strength authorized by the personnel ordinance.**
4. **Number of incidents/tasks handled.**
5. **Average time required to handle incidents/tasks.**
6. **Time lost through days off, holidays and other leaves compared to the total time for each assignment.**

16.2.1 Annual Review

A. Annually, the supervisor of a specialized assignment will review such assignment for the purpose of determining whether it should be continued. This review shall include:

1. **A listing of the specialized assignment;**
2. **A statement of the purpose for the assignment;**
3. **Evaluation of the initial problem or condition that required the implementation of the specialized assignment;**

B. The Chief of Police will be given copies of the review to determine the outcome of the assignment. The Chief of Police may order an evaluation of a specialized assignment at any time.

16.2.2 Announce Openings

A. Whenever there is an opening or anticipated opening within the department for a specialized assignment, it can be advertised department-wide by posting a written notice in a prominent place and/or by other means deemed adequate to assure that all persons eligible will be aware of the opening.

B. The selection criteria for the specialized assignment is to be specified outlining the knowledge, skills and abilities required.

1. Consideration for selection may be given to education, experience, special skills, past performance, and expressed desire for career development.

C. The Chief of Police makes the final determination on specialized assignments but may include supervisors or others involved in the assignment in the decision process.

16.2.3 Temporary/Rotating Assignments

A. Whenever there is an opening or anticipated opening within the department for a temporary or rotating assignment, it can be advertised department-wide by posting a written notice in a prominent place and/or by other means deemed adequate to assure that all persons eligible will be aware of the opening.

1. The written notice will identify the position available for the temporary or rotational assignment. The position available for temporary or rotating assignments is:

a. Temporary Detective

2. The written notice will also describe the duration of the assignment.

B. The selection criteria for the specialized assignment is to be specified outlining the knowledge, skills and abilities required.

1. Consideration for selection may be given to education, experience, and special skills, past performance, and expressed desire for career development.

C. Selection procedure of personnel will be made equitably and be based on:

1. His/her interest in the position

2. Skills, knowledge and abilities

3. Length of service with the department

4. Based on the officers performance evaluations

5. Schools attended

6. Review of any complaints received

D. The Chief of Police and/or the command staff may request input from any or all supervisors during the selection process.

E. The Chief of Police or command staff will make the final determination on temporary or rotating assignments but may include supervisors or others involved in the assignment in the decision process.

16.3.1 Program Description

N/A by Function

16.3.2 Selection Criteria

N/A by Function

16.3.3 Entry Level Training

N/A by Function

16.3.4 Uniforms and Equipment

N/A by Function

16.3.5 In-Service Training

N/A by Function

16.3.6 Use of Force and Firearms Proficiency

N/A by Function

16.3.7 Bonding/Liability Protection

N/A by Function

16.3.8 Performance Evaluations

N/A by Function

16.3.9 Educational Requirements

N/A by Function

16.4.1 Program Description

A. The Troy Police Auxiliary Unit is established by Ordinance 129.03 of the Codified Ordinances of the City of Troy which describes its construction and other requirements and regulations.

B. Auxiliaries are not commissioned with sworn officer status and do not have the authority to make a full custody arrest.

C. Auxiliary officers exist as a support organization to the Troy Police Department and the duties and utilization of such auxiliary members shall include, but not necessarily be limited to:

1. Assisting the police department and its members in activities and service related to police operations. The scope and limitations of authority and operations are set by City Ordinance, Rules and Regulations set by the Director of Public Service and Safety, and Rules, Regulations and Scope of Operation as determined by the Chief of Police.

2. Examples of how auxiliary members may be utilized:

a. Directing traffic

b. Can be used as a resource in emergencies

c. Can be used as a resource in large scale special events

d. To assist at community special events

e. Clerical, filing, data entry, etc.

f. Volunteer in training scenarios for sworn officers as roll players.

g. If the agency chooses to involve them in various activities to assist in the day to day delivery of law enforcement services it should ensure that their duties do not require the status of a sworn officer.

3. The Chief of Police shall appoint a sworn officer to serve as liaison officer between the auxiliary unit and the police department.

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16.4.2 Training

A. Auxiliary personnel are to receive training in those areas of anticipated activity which is quasi-law enforcement in nature, such as:

1. Directing traffic, first aid, emergency operations, human interaction, mental health, ethics, observation techniques, etc.

B. Auxiliary personnel shall be required to undergo familiarization of the Troy Police Department's Policies and Procedures, sections which pertain to their classification.

1. Records shall be kept reflecting the nature and content of the training and the name of the attendees.

16.4.3 Uniforms

A. The uniform worn by auxiliary officers shall be different and readily distinguishable from the regular sworn officer's uniform. Auxiliary uniform specifications are:

1. **The uniform shirt is to be light-blue in color. On each sleeve shall be affixed a patch identifying the wearer as an auxiliary officer.**

2. **Uniform trousers shall be dark blue in color.**

3. **The uniform cap shall be a round military-style, navy-blue in color, having a hard bill.**

4. **Uniform jackets shall be navy blue in color and upon each sleeve shall be a patch identifying the wearer as an auxiliary officer.**

5. **Auxiliary officers shall be issued hat badges and breast badges which differ in style and configuration from sworn officer badges and which also serve to identify the wearer as an auxiliary officer.**

17.1.1 CEO Authority and Responsibility

A. The Chief of Police is responsible for the overall fiscal management of the police department. The Chief will work closely with the City of Troy Auditor in fiscal matters. The Chief of Police is responsible for supervising and approving budget recommendations and purchase requests.

B. The City of Troy Auditor's Office is responsible for maintaining accurate accounting of all funds allocated to the police department and for keeping the Chief of Police apprised on the status of accounts.

17.2.1 Budget Process and Responsibility Described

A. The Chief of Police is responsible for final internal budget preparation and management.

B. In developing the final internal budget for the police department, there are many factors which must be considered (i.e. anticipated and unanticipated maintenance and/or supplies, manpower, capital expenses).

C. The Chief of Police will develop the final internal budget after reviewing the requests from the major sections within the agency/department. The department's budget will then be submitted to the Public Service & Safety Director in November of calendar year or sooner if requested.

1. **The budget will then be sent before "budget review" committees, who will review the budget, line item by line item, and assure that there is sufficient justification to validate the request.**

2. **The Chief of Police may be called upon at any time during this process to answer questions, clarify details and offer justification.**

3. **Once the committees have made their review of the budget, a recommendation will be made to the Public Service & Safety Director.**

4. **The budget will not become final until the Troy City Council has voted and approved the budget.**

17.2.2 Functional Recommendations to Budget

A. All major sections/components within the department will annually prepare written budget recommendations or requests, based on goals and objectives of the department and of the specific section.

1. The requests will be given to the Chief of Police, no later than August 1st, to be used in the formalization of the department's final budget request.

17.3.1 Requisition and Purchasing Procedures

A. Specifications for items requiring standardized purchases

1. **Some purchased items require that specifications for them be drawn. These may be items which must fit particular criteria or which must satisfy a specific need (i.e. patrol cars or handguns).**

    a. **Such specifications are drawn by, or at the direction of, the Chief of Police.**

2. **Other equipment, supplies and materials to be operated, used or expended must meet specifications as indicated by the Chief of Police.**

3. **The Chief of Police and other designated personnel within the department have been assigned Purchasing Cards to be used when purchasing items for the department in addition to purchase orders.**

    a. **The guidelines for usage of the Purchasing Card and/or a purchase order have been established by the City of Troy and issued to each person assigned an individual card (see Guidelines for Purchasing Cards).**

    b. **All receipts will be signed by the purchaser and forwarded to the secretary for payment. If the item(s) qualify for an asset tag under the City's Fixed Assets Guidelines, that item and receipt will be shown to the Administrative Captain. The Administrative Captain will then issue the appropriate asset tag.**

        1. **This section applies to fixed assets not disposable items such as paper, toner supplies and other like items. The Administrative Captain will make final determination as to which items get an asset tag.**

    c. **For items purchased on quarterly accounts, all receipts will be signed by the person picking the item up and will be counter-signed by the section head. The receipt will then be forwarded to the secretary for payment.**

B. Bidding procedures

1. **Expenditures that exceed the sum of $50,000 must be first authorized by legislation of City Council and then advertised for open bid through public announcement.**

    a. **Procedures are found in the ORC and in the "Municipal Government of Ohio" handbook prepared by the Ohio Municipal League.**

    b. **In addition, The City may participate in purchasing cooperatives if specifically authorized by City Council legislation.**

C. Criteria for the selection of vendors and bidders

1. **Bidders shall be selected through processes as outlined in the ORC and in the previously mentioned handbook.**

    a. **The city shall award a contract to the lowest and best bidder.**

2. **Persons (such as department heads) authorized to purchase or contract for equipment, supplies, materials and services valued less than $50,000 may select vendors of their choice, keeping in mind to obtain the best value for amounts expended.**

D. Procedures and authorization for the emergency purchase or rental of equipment is found in of the Emergency Operations Plan of the City of Troy.

E. Emergency Appropriations of Operation Funds

1. **When a particular fund becomes, or is in danger of becoming, depleted of funds or if an emergency appropriation is required and the fund from which it is to be purchased does not have sufficient funds available, the Chief of Police is to provide written documentation to the Service and Safety Director stating the reason for the depletion or anticipated depletion and a justification for same. The Chief is to also submit the additional appropriation amount requested and the justification for same.**

    a. **In the event that an additional appropriation is requested, the request is then submitted to Council for legislative action regarding the request.**

b. **If the request is for transfer of funds from one police department account to another, the request is directed to the auditor who then makes the internal fund adjustments.**

17.4.1 Accounting System

A. The City of Troy has an accounting system that includes, at a minimum, provisions for monthly status reports showing:

1. **Initial appropriation for each account**
2. **Balances at the commencement of the monthly period**
3. **Expenditures and encumbrances made during the period**
4. **Unencumbered balance**

17.4.2 Cash Fund/Accounts Maintenance

A. The Troy Police Department maintains a list of the cash fund accounts.

1. **Parking ticket fees**
2. **Copy fees**
3. **Confidential funds**

B. Procedures for collecting, safeguarding and disbursing cash are to include at a minimum:

1. **Maintaining a balance sheet, ledger or other system that identifies initial balance, credits (cash income received), debits (cash disbursed) and the balance on hand**

2. **Receipts or documentation for cash received**

    a. **Whenever cash is received by an employee of this department, a receipt will be made and given to the person delivering the cash. Cash taken by a member of this department that will be placed in the property room (i.e. evidence, confiscated, found) will be handled in accordance to General Orders 84.**

3. **Authorization for cash disbursement including authorization from the Chief of Police for expenditures in excess of a given amount**

    a. **The only cash disbursements made by the department are those used as "buy money".**

4. **Records, documentation or invoice requirements for cash expenditures**

    a. **Whenever any amount of cash is expended by this department, a receipt or invoice will be obtained to record the transaction.**

5. **Persons or positions authorized to disburse or accept cash**

    a. **Cash will only be disbursed by those authorized by the Chief of Police (Detectives, Narcotics Officer, Clerk, etc.).**

b. **The Chief of Police has empowered all employees of the Troy Police Department to accept cash, provided that it is within the guidelines of department standards.**

6. **Quarterly accounting of department cash activities**

   a. **At least quarterly, all cash funds of the department will be audited. The head of the respective section will do this audit. A report will be generated concerning the audit and delivered to the Chief of Police.**

      1. **If there are deficiencies or discrepancies, they will be recorded and a period of two weeks will be given to correct the problem.**

17.4.3 Independent Audit

A. Each year the City of Troy conducts an audit of the fiscal activities of each of the departments, including the police department, as proscribed by State law. The audit is conducted by a contracted outside firm and by the State of Ohio Auditor's Office.

17.5.1 Inventory and Control

A. Anytime the department acquires a fixed asset, it is to be entered in the inventory control system. A fixed asset is anything defined as the following:

1. Any item with an initial, individual cost of $5,000.00 or more and a useful life of at least 3 years.

2. Multiple of the same items purchased for a single department/work program that in the aggregate exceed an initial individual cost of $5,000.00 or more and a useful life of at least 3 years.

B. Each fixed asset shall be assigned an asset number and tracked until final disposition.

C. Physical identification tags may be affixed to each asset where feasible and appropriate.

D. The Administrative Captain is responsible for the inventory of department-owned equipment and supplies.

E. An inventory of all items belonging to the Troy Police Department is to be conducted annually with a copy of such inventory submitted to the Chief of Police and the office of the Service and Safety Director.

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17.5.2 Issue/Reissue Procedures

A. Department-owned property includes expendable items, installed property, uninstalled property, equipment, vehicles, firearms, munitions and any issued personal equipment.

B. How and to whom agency owned property is distributed or issued is the responsibility of the Chief of Police. The Chief may delegate or assign property management responsibilities to various members of the department.

1. Persons responsible for management and control of agency property may distribute or issue property under their control for use in accomplishing the police mission.

C. The Administrative Captain is to maintain accurate records pertaining to the issuance of department property.

17.5.3 Operational Readiness

A. Persons responsible for the management and control of agency owned property are to maintain any stored property under their control in a state of operational readiness.

1. They are to periodically examine and test, if appropriate, property under their control to be sure that it performs properly.

2. They are to care for, clean, perform preventative maintenance and repair or cause to be repaired items under their control to assure that the items will operate properly when needed.

B. If the Troy Police Department stores equipment to be used for operational readiness, then the section head responsible for that equipment or his/he designee should inspect that equipment on regular intervals to ensure its operational readiness.

17.5.4 Electronic Data Storage

If the Troy Police Department uses a service provider for electronic data storage, a written agreement is established addressing the following:

A. Data ownership;

B. Data sharing, access and security;

C. Loss of data, irregularities and recovery;

D. Data retention and redundancy;

E. Required reports, if any;

F. Special logistical requirements and financial arrangements.

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21.1.1 Task Analysis

20 %

21.2.1 Classification Plan

A. The police department has a written classification plan that includes:

1. **Grouping of every position into classes based on similarities in duties, responsibilities, and qualification requirements**
2. **Existence of job specifications**
3. **Provisions for relating compensation to job classification**
4. **Provisions for reclassification**

21.2.2 Job Description Maintenance and Availability

1. **The department maintains current job descriptions listing all employees. The descriptions are available to all personnel from the Accreditation Manager.**

22.1.1 Salary Program

A. Entry level salary

1. **Entry level salary for sworn officers is established by City Council. It is expected that this base salary will continue to rise at the same percentage rate as is negotiated by Patrol Officer representatives for wage increases.**

B. Salary differential within ranks, if any

1. **Salary differentials within ranks are those set by ordinance. Differentials occur in the patrol officer rank through the passage of time from initial hire until completion of the third year. During that time, incremental increases occur with the passage of set periods of time.**

2. **With the exception of the Chief of Police, all ranks will receive an additional 2% as longevity pay. This is added to an employee's salary for each 5-year increment of service. This provides the potential for differing salary levels within a rank.**

3. **Eligible officers within a rank may receive educational incentive pay, which serves as a salary differential.**

C. Salary differential between ranks

1. **The base salary differential between ranks is that differential which is negotiated for by department representatives and approved and instituted by City Council through ordinance enactment or revision.**

D. Salary levels for those with special skills

1. **Salary levels for non-sworn employees with special skills are set by the city for each position classification (i.e., Secretary,Clerk/typist).**

E. Compensatory time policy

1. **The compensatory time policy for employees belonging to a bargaining unit is that which is negotiated through the collective bargaining process.**

2. **For employees not represented by a bargaining unit, the compensatory time policy is set by ordinance.**

F. Overtime policy

1. **The overtime pay policy is that which is provided for by ordinance or which is negotiated by the collective bargaining units.**

G. Salary augmentation occurs in several ways. The conditions, circumstances and eligibility whereby an employee may receive an augmented salary are found in ordinance or in the collective bargaining agreements. Basically, the types of salary augmentation are:

1. **Overtime pay for hours worked in excess of the standard assigned work period**
2. **Compensatory time off in lieu of overtime pay**
3. **Officer-in-charge pay**
4. **Longevity pay**
5. **Educational incentive pay**
6. **Holiday pay**

22.2.1 Leave Program

A. Administrative Leave

1. **Two aspects of administrative leave exist within the police department. One is that of requested leave for purposes such as bereavement, jury duty, sabbaticals, military duty, schooling, etc. The second aspect of administrative leave is that which is ordered by the Chief of Police as a result of an officer's involvement in a death, serious physical injury or other incident for which the Chief of Police deems that a period of paid administrative leave is appropriate. An officer or other employee may also be placed on administrative leave during a period of time in which an internal investigation concerning that employee is being conducted.**

    a. **Leaves for bereavement are covered by ordinance or by a collective bargaining agreement.**

    b. **Leave for military duty is covered by ordinance.**

    c. **Leave for sabbatical or training/schooling is not covered. However, such leave could be granted through petition to the city government and subject to what limitations and provisions the city administration and the petitioner agree upon.**

    d. **Leave for jury duty is specifically addressed by bargaining agreement, it is a leave option found on the "Application for Leave" form used by the City and leave for jury duty is granted to city employees with all wages and benefits continuing in full force during such jury duty.**

B. Holiday Leave

1. **The holiday leave program is found in city ordinance and/or the collective bargaining agreements.**

C. Sick Leave

1. **The sick leave program is found in city ordinance, the "Application for Leave" form and in the collective bargaining agreements.**

2. **Family medical leave is addressed in the collective bargaining section and COBRA leave act.**

D. Vacation Leave

1. **The vacation leave program is found in city ordinance and the collective bargaining agreements.**

22.2.2 Benefits Program

A. Retirement Programs

1. **The retirement systems are state run and state administered. Sworn officers are covered by the Police and Fire Pension Fund and non-sworn employees are covered by the Public Employee's Retirement System.**

B. Health Insurance Program

1. **The city provides employees with a health insurance plan and pays the bulk of the premium costs. The bargaining units negotiate some minor conditions.**

2. **Information, problems and/or concerns should be addressed to the Service & Safety Director's Office or the Personnel Office.**

C. Disability and Death Benefits Program

1. **Through the process of collective bargaining, programs of disability and death benefits have been established (see chpt. 141 CO).**

   a. **A "Duty Injury Leave" program provides for continuing pay and fringe benefits during a recovery period for which the leave has been granted.**

      (1) **A disability retirement program is available through the state pension fund for those permanently and seriously disabled.**

2. **An insurance policy provided by the city provides a death benefit.**

D. Liability Protection Program

1. **The city carries a liability insurance policy on police department employees, the basic components of which are:**

   a. **Bodily injury and personal injury liability. Examples are:**

      (1) **False arrest**

      (2) **Wrongful detention**

(3) Violation of property rights

(4) Erroneous service of civil papers or wrongful eviction

b. The insurance pays the cost of legal fees, settlements, awarded damages (except punitive) and other expenses, subject to policy limits, policy exclusions and policy deductible.

c. A copy of the current liability insurance policy is provided to each recognized bargaining unit in the department.

E. Employee Educational Benefits

1. The city provides educational benefits to all employees.

a. Tuition reimbursement is available for advanced training in areas that will enhance the employee's job performance. Courses must be approved by the department head and Service and Safety Director's Office prior to beginning. This issue is addressed in contract for bargaining unit members and the Personnel Policy Manual for non-sworn employees.

b. Educational incentive pay is also available for sworn officers. Bonus pay based on credit hours earned or degrees attained is paid at year end. This issue is addressed in contract.

22.2.3 Personnel Support Services Program

A. The City of Troy provides its employees with a Personnel Office to obtain information regarding support service programs or agencies available to provide personnel support. Services available for the employee are the Employee Assistance Program (EAP) and other support programs designed by the Personnel Director.

22.2.4 Victim Witness Services/Line of Duty Death

A. The family of an injured or deceased member of the agency will be personally notified in a timely manner.

B. Transportation to and from the hospital on an initial visit will be offered to the family of an injured member of the agency.

C. Support will be offered to the family prior to, during, and after the funeral and burial of an agency member. This may include assistance with funeral arrangements, escort, honor guard, pall bearers, and transportation.

D. The agency, in conjunction with the Personnel Office, may offer assistance or referral on issues of benefits, processing of legal matters, insurance, or other issues that may arise as the result of the injury or death.

E. The agency should maintain contact, if so desired, with the family of the member of the agency, keep informed of the needs of the family, and offer any assistance possible.

22.2.5 Clothing and Equipment

A. A clothing allotment is provided to all department employees, except for the Chief's secretary and the record clerks. The allotment is provided for by ordinance and/or collective bargaining agreement.

B. The specifications for apparel to be worn by patrol officers is set by the Chief of Police. The following is to be purchased by the officer from the clothing allotment as provided by the City of Troy. Other items not listed may be approved and worn if so authorized by the Chief of Police.

C. The City will provide uniforms for new officers and there will be no clothing allowance during the first 12 months of probation. For the remainder of the calendar year when probation ends, there will be a pro-rated clothing allowance. This is stated in the collective bargaining agreement.

1. **Trousers - All patrol officers, regardless of rank, shall wear navy blue trousers.**

2. **Shirts - All patrol officers shall wear uniform shirts that are dark blue in color. The Chief and the Captains have the option to wear uniforms shirts that are white or dark blue in color.**

    a. **Class A summer shirts are short sleeved and beginning January 1, 2001 will have a Troy Police Department patch sewn on both sleeves 1 in. below the shoulder seam.**

        (1) **Effective January 1, 2002, all uniform apparel worn by members of this department will conform with “a” above and have patches on both sleeves.**

    b. **Class A winter shirts are long sleeved with patch sewn on as at "a".**

    c. **Class B special event shirts are short sleeve "polo" type shirt with patches sewn on as at "a". Badges and name tags will be embroidered at the uniform store.**

3. **Socks shall be black or navy blue in color.**

4. **Shoes shall be black in color with a smooth toe that can withstand a "high polish".**

5. **Jackets shall be dark blue in color.**

a. **The summer jacket is to be a lightweight windbreaker type with patches sewn on the sleeves as at "a" or "b" for shirts.**

b. **The winter jacket will be a waist length all-weather style jacket, having a detachable lining and patch sewn on as above**

6. **Neckties shall be black in color and are to be worn with the long sleeved shirt when in court or under special circumstances. Neckties are to be either the clip-on type or the Velcro type. Turtlenecks may be worn in lieu of neckties. The turtleneck must be dark blue or black in color and will have "TPD" embroidered on it.**

7. **Trouser belts shall be black in color.**

8. **Name tag shall be approx. 1/2 in. in height and 2 3/8 in. in length, having the officer's initials and surname in black or blue letters on silver for sergeants and below, and black or blue letters on gold for captains and above. It is to be worn just above the right breast pocket on the outermost garment.**

9. **Raincoat/suit as approved by Chief of Police**

D. **The following is issued equipment by the City of Troy from other than the officer's clothing allotment supplies:**

1. **Equipment belt, black leather, plain finish, including inner belt**

2. **Semi-automatic pistol, holster and ammunition**

3. **Handcuffs and case**

4. **Flashlight and belt ring holder**

5. **Cap shall be an 8-point type, having a blue cloth cover for winter wear.**

a. **Alternate winter cap is to be a "Trooper" style cap being black in color**

6. **Whistle and chain**

7. **Breast badge and hat shield**

8. **3 magazines and magazine pouch**
9. **Hand held transceiver and case**
10. **Soft body armor**
11. **Riot helmet and face shield**
12. **Gas mask**
13. **Riot baton and holder**
14. **ASP and holder**
15. **Defense spray ("OC") and holder**
16. **EID device ("Taser") and holster**

22.2.6 Employee Assistance Program

A. The Troy Police Department provides an Employee Assistance Program (EAP) to all its employees. The program called EmployeeCare is offered by Miami Valley Hospital and is available by calling their toll-free number which is listed throughout the department.

B. The EmployeeCare program shall include the following:

1. **Strict confidentiality and timely problem assessment**

2. **Ability to make referrals to appropriate agencies for additional treatment or follow-up**

3. **For referral to or mandatory participation in the EAP, the supervisor of the affected employee will use the recognized chain of command for their recommendation.**

    a. **The Chief of Police or his designee will have the final say if the counseling is to be mandatory for a referral made and will issue the order stating such.**

C. Supervisors will receive periodic training related to the programs available through EmployeeCare and also the procedures and guidelines for referral to the available programs.

1. **The training should also explain the role and responsibility of supervisors and how to identify behaviors which would indicate the existence of employee concerns, problems and/or issues that could impact employee job performance.**

22.2.7 Employee Identification

A. All employees of the Troy City Police Department will be issued an Employee Identification Card immediately upon employment.

1. The cards will differ in appearance to ensure that the public can differentiate between the type of an employee (sworn, non-sworn and auxiliary).

2. All identification cards will include at a minimum the employee's photograph, name, and whether they are sworn or non-sworn.

B. All employees will keep their identification cards on their person at all times. Identification cards are used to ensure that the public can identify law enforcement officers and be certain that the person they are dealing with is in fact an officer. This will enhance the officer's ability to perform their duties, promote confidence with the public, and make officers more accountable for their actions.

1. The only exception to this requirement will be when an employee is working in an undercover capacity.

2. Due to the inherent risks of working undercover and the importance of ensuring that the undercover officer's true profession is kept a secret, undercover officers will not keep their identification cards on their person.

3. When a member of the general public requests to view an employee's identification card, the employee will provide them with the card in a polite and courteous manner.

C. When any member of the City of Troy Police Department performs agency duties over the phone. That member should verbal identify themselves by their name, title and agency.

1. The only exception to this requirement will be when an employee is working in an undercover capacity.

2. Due to the inherent risks of working undercover and the importance of ensuring that the undercover officer's true profession is kept a secret.

22.2.8 Military Deployment and Reintegration

It is the policy of the Troy Police Department to establish a plan for personnel with military activations exceeding 90 days for pre-deployment, deployment and post deployment. It will include provisions for the following:

A. The designated point of contact for the Agency will be the Chief of Police or the deployed member(s) section Captain. Once a department member has received notification of military activation, they will immediately advise the Chief of Police and that member(s) section Captain.

B. The designated point of contact for Human Resource will be the Assistant Service and Safety Director/Human Resource Director. Once a department has received notification of military activation of one of its member(s) they will notify Human Resources.

C. Prior to a department member being deployed, that member will have an out processing, exit interview with the Assistant Service and Safety Director/Human Resource Director.

1. The City will provide the member(s) will contact information for the City and Employee Assistance Program.

2. The member(s) will provide contact information for his/her family to contact should questions or problems arise regarding benefits, etc.

D. It will be the responsibility of the member that is deployed for the storage and security of equipment that is property of the City of Troy Police Department.

E. Once the deployed member has returned to work, as soon as practical that member will have an in processing interview with the Assistant Service and Safety Director/Human Resource Director.

F. Employee(s) upon returning to work after a deployment, that member will be placed on Administrative duty. During that time the employee will make up any mandatory training, refresher training and review of any policy changes.

G. The City and Department should ensure a process for communication with the deployed member.

1. **The process of communication between the member and the City will include the department's email account which can be accessed through the internet, by phone and through the member's family.**

2. **The Assistant Safety & Service Director, the Chief of Police or designee should avail themselves to the family member(s) for a face to face meeting(s), at the family's request, to assure needs are being addressed.**

3. **The member(s) has the option to receive emails through his/her military account.**

22.3.1 Physical Examinations

A. Successful applicants for employment will be required to pass a medical examination as a condition of employment.

B. Employees may be required to undergo a medical examination on other occasions when the examination is job related and consistent with business necessity.

1. Medical examinations required by the city will be conducted by physicians designated by the city and will be paid for by the city. This issue is addressed in contract for bargaining unit employees.

a. The city and the department may require acceptable confirmation of the nature and extent of any illness or injury that requires an employee to be absent from scheduled work.

b. The city and the department may require a second medical opinion regarding an employee's absence because of illness or injury or regarding a doctor's certification of an employee's ability to return to work. Any such second opinion will be paid for by the city.

C. Medical files will be treated as confidential in as much as the law allows.

22.3.2 General Health and Physical Fitness

A. A satisfactory level of general health and physical fitness on the part of employees are encouraged and should be maintained so that duties can be performed efficiently and without personnel shortages caused by excessive sick leave.

1. **The department maintains a fitness room with equipment for any employee's use, available 24 hours every day of the week.**

2. **The city has a health committee which produces newsletters of general health interest and coordinates visits by a health nurse to consult and test on various issues of employee health.**

22.3.3 Fitness and Wellness Programs

A. The City of Troy has a Fitness and Wellness Program/Committee for their employees.

1. **The Fitness and Wellness Program/Committee is open citywide to its employees and its participation is voluntary.**

2. **A trained program coordinator is available through The City of Troy Human Resources Department's Fitness and Wellness Programs.**

3. **The City of Troy has individual health screenings and fitness assessments as a part of its Fitness and Wellness programs and comprehensive medical benefits.**

4. **The City of Troy offers individual education and goals setting.**

    a. **The City provides education memos to its employees reference to fitness and wellness.**

5. **The City of Troy provides ongoing support and evaluations through Fitness and Wellness Programs and comprehensive medical benefits.**

22.3.4 Off-Duty Employment

A. Officers may engage in outside employment subject to the following limitations:

1. **Such employment shall not interfere with the officer's employment with the department.**

2. **Officers shall submit a written request to the Chief of Police, whose approval must be obtained prior to engaging in such employment.**

3. **Officers shall not engage in any employment or business involving the sale or distribution of alcoholic beverages, narcotics or controlled substances.**

22.3.5 Extra-Duty Employment

N/A by Function

24.1.1 Agency Role

A. Principal Negotiator

1. **The principal negotiator for the city's bargaining team is the attorney that the city hires to be its principal negotiator.**

2. **Each side advises the other of who their principal negotiator is prior to the start of negotiations.**

B. Collective Bargaining Team Police Department

1. **The employee units with which the city conducts formal negotiations are those units that have been recognized by the State Employee's Relations Board (SERB) and certified to represent a particular group of department employees.**

C. "Good Faith" Bargaining

1. **The department is to subscribe to, and adhere to, the principal of "good faith" bargaining. The principle of "good faith" bargaining is based on the Taft Hartley Act. This is to ensure that oral agreements made during negotiations are reflected in written contractual language and carried out in future labor management relations.**

D. Bargaining Team Ground Rules

1. **The purpose of this standard is to emphasize the importance of establishing ground rules prior to the initiation of negotiations on substantive issues. The ground rules should establish:**

    a. **Size and composition of bargaining teams**

    b. **Authorization and arrangements for bargaining team members to attend bargaining sessions if held during their scheduled work hours**

    c. **Time schedules and agendas for meetings**

    d. **Procedures governing release of information to third parties (including the media) during the bargaining process**

    e. **The method of recording the deliberations**

f. **Methods for introducing issues**

g. **Methods for resolving conflicts**

E. Commitment to abide with labor agreement

1. **Once all parties have agreed on terms stated in the proposed labor agreement that has been signed by management, labor representatives, and ratified by the bargaining unit, there is a commitment to abide in both letter and spirit of the negotiated agreement.**

24.1.2 Ratification Responsibilities

A. When a negotiated labor agreement is ratified by all parties, the Chief of Police will:

1. **Obtain and maintain a signed copy of the agreement**

2. **Review and amend, if necessary, all written directives and procedures to coincide with the terms of the labor agreement**

3. **Disseminate information relative to the new labor agreement, including modifications to existing agreements, to the supervisors of the bargaining unit employees**

25.1.1 Grievance Procedures

A. Identifying matters that are grievable (scope), where to file and/or appeal

1. **All matters of employment, treatment, government or working conditions affecting an employee are acceptable topics for grievance.**

2. **Procedures for filing and appealing grievances are found in the respective bargaining agreements. If the employee is not included in a bargaining unit, he/she will use procedures as outlined in the City of Troy "Personnel Policy Manual" section 5.4.**

B. Establishing time limitations for filing or presenting a grievance

1. **Time limitations for filing or presenting a grievance are found in the collective bargaining agreements of the recognized bargaining groups in the police department.**

2. **Employees not represented by a collective bargaining agreement shall be governed by all applicable grievances or complaint procedures as contained in the City of Troy "Personnel Policy Manual."**

C. A form to be used for submitting grievances

1. **The FOP/OLC will supply a form to be used in the submission of a grievance.**

2. **This form will include the following:**

    a. **A written statement of the grievance and the facts upon which it is based**

    b. **Written allegation of the specific wrongful act and harm done**

    c. **A written statement of the remedy or adjustment sought**

D. Establishing procedural steps and time limitations at each step

1. **Procedural steps and time limits are found in the collective bargaining agreements. If the employee is not covered by a collective bargaining agreement, the procedures as found in section 5.4 of the City of Troy "Personnel Policy Manual" will be used.**

E. Establishing criteria for employee representation

1. **Employee representation during grievance procedures is covered in the collective bargaining agreements and City of Troy "Personnel Policy Manual".**

25.1.2 Coordination/Control of Records

A. The Chief of Police is responsible for the coordination of the grievance procedure. Any supervisor receiving a grievance should notify the Chief so that the process can be monitored.

B. Records pertaining to grievances are to be maintained by the Chief of Police in a secure file. Grievances are to be filed chronologically in order of receipt. Regardless of the stage at which a written grievance was resolved, a copy of the grievance and the subsequent written reply to it are to be forwarded to the Chief of Police for filing.

1. Access to the grievance file is limited to the Chief of Police. Other members may petition the Chief of Police for access to a particular file by documenting the reason(s) for seeking access. The Chief of Police may permit or deny access after a review of the petition.

25.1.3 Annual Analysis

A. At least once each year, the Chief of Police shall conduct a documented analysis of grievances, as well as supporting policies and practices contained in the grievance file to ascertain if any particular patterns as to type or frequency exist. If a trend in filed grievances is discovered, steps may be taken to minimize the causes for the future.

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26.1.1 Code of Conduct and Appearance

The Ohio Revised Code, under Section 737.02, provides that under the direction of the Mayor, the Director of Public Service & Safety shall be the executive head of the Department of Police.

By virtue of the authority vested, the Director of Public Service & Safety pursuant to ORC Section 737.13, shall make all rules for the regulation and discipline of the police department, except as otherwise provided by law.

All rules and regulations issued prior to the issuance and effective date of these rules and regulations are null and void.

The right and power is reserved to alter, amend, add to or rescind, in whole or in part, any of these rules and regulations.

These rules and regulations have been promulgated to infuse discipline and to promote efficiency and harmony in the Department of Police in order that it may function most effectively for the protection of life and property and assure the citizenry of a sense of security and tranquility granted by law.

Since it is impossible to anticipate every situation which may arise, or to prescribe a specific action for each case, the exercise of good judgment and the application of sound common sense by law enforcement personnel must be relied upon to make police service equitable and effective.

It shall be the duty of every member of the Police Department to be familiar with the contents of these Rules and Regulations and to employ conduct in accordance with the precepts found therein.

The Rules and Regulations are promulgated and issued to each member so that each member is aware of the code of conduct and appearance to which they are to conform.

In addition to the Rules and Regulations hereinafter listed, officers are charged to comply with and conform to the Policies and Procedures of the Troy Police Department which have been promulgated and issued to the members of this department as General Orders.

The Rules and Regulations and the Policies and Procedures have been developed to outline and/or define the principal duties and code of conduct of all members. The fact remains, however, that some of the duties that a member may be called upon to perform have been omitted, and some acts

of misconduct may not have been referred to. It is to be clearly understood by all members that the excuse that any specific act of misconduct is not referred to in the Rules and Regulations or the Policies and Procedures will not be entertained as an excuse for said act or acts.

This section regarding code of conduct and appearance guidelines will be readily available to all department employees. It will be issued to all new employees during their training program.

LEGAL DISCLAIMER

The Rules and Regulations and the Policies and Procedures are for directing and governing the conduct and appearance of members of this department, and nothing contained therein applies to criminal or civil proceedings against any member. The department's Rules and Regulations and Policies and Procedures are not meant to be, or should be construed as, a creation of a higher legal standard of safety or care in an evidentiary sense with respect to third party claims. Violations of the Rules and Regulations and/or Policies and Procedures of this department will only form the basis for departmental administrative sanctions. Where there is a conflict between this document and any applicable laws, City of Troy ordinances, or collective bargaining agreements; said laws, ordinances, or agreements shall prevail. Violations of law will form the basis for civil and criminal sanctions in a recognized judicial setting.

RULES AND REGULATIONS
FOR THE GOVERNMENT OF THE POLICE DEPARTMENT
OF THE CITY OF TROY

RESPONSIBILITY OF COMMAND

All commanding officers shall avoid censoring subordinates in the presence of others, and shall not abuse subordinates through tyrannical conduct or abusive language. Supervisory authority shall be exercised and applied with firmness, kindness and justice. Disciplinary action shall conform with Rules and Regulations and Policies and Procedures, and shall follow as promptly as circumstances permit.

Commanding officers are to take, or cause to be taken, proper action against any subordinate, regardless of assignment, for violations observed. If, in the opinion of the command officer, the infraction or violation is such that it requires formal censure or reprimand, or

suspension pending hearing, any necessary immediate action is to be taken and a formal charge is to be prepared specifying the particular rule violated, the general nature of the violation and other pertinent information relating to the infraction.

Rule 1.1 - Each commanding officer in every rank is subject to the general rules and regulations in addition to being amenable to the rules and regulations governing his or her command.

Rule 1.2 - A commanding officer is a member who has been duly appointed to a supervisor rank as prescribed by Civil Service Law.

Rule 1.3 - During absence of a commanding officer when no special designation is made by competent authority, command automatically devolves upon the next ranking officer. Ranking is based first by rank and then by length of service in the rank.

Rule 1.4 - Command officer responsibilities include:

A. The discharge of his or her assigned command duties and responsibilities, the good order, efficiency and discipline of the department and the performance of personnel under his or her command.

B. Assuring that each subordinate under his or her command is aware of, and understands, the department's rules, regulations, policies and procedures, and, is instructed in such.

C. Taking necessary action immediately when ANY subordinate commits a violation of the rules and regulations, or policy or procedure, when observing or being informed of such violation.

CHIEF OF POLICE

Section §737.06 of the Ohio Revised Code states that the Chief of Police shall have exclusive control of the stationing and transfer of all patrolmen, auxiliary police officers and other officers and employees in the police department, and police auxiliary unit, under such general rules and regulations as the Director of Service & Safety prescribes.

Rule 2.1 - The Chief of Police is the Chief Executive Office of the police department, and as such, shall give prompt and efficient attention to

the duties of the office of Chief of Police and to all matters concerning the welfare of the police department and the public.

Rule 2.2 - It shall be the duty of the Chief of Police to direct the observance and enforcement of all laws of the United States of America, the State of Ohio and ordinances of the City of Troy and to issue such orders from time to time as may be necessary to facilitate this duty.

Rule 2.3 - The performance of duty of the Chief of Police shall be strictly governed by these Rules and Regulations and by the Policies and Procedures insofar as they may be applicable.

Rule 2.4 - All orders to the Chief of Police shall emanate from, and be issued by, the Director of Public Service & Safety. All orders to the Department of Police shall be issued by the Chief of Police and communicated to the members thereof through subordinate officers, recognizing rank whenever possible, or in such other manner as circumstances and efficiency may require.

Rule 2.5 - The Chief of Police may designate such commanding officers as desired to act as staff and may frequently assemble them, or subordinate officers designated to act for them, for the discussion of all current police matters in order that the Chief and all subordinate commanding officers may have full and complete knowledge of all current and routine police business and occurrences.

Rule 2.6 - The Chief shall, immediately upon receipt of reports of any negligence, violation of law or any other matter which comes within the jurisdiction of any other city department, cause a report thereof to be made to the proper official in charge of such department.

Rule 2.7- The Chief shall cause to be established and maintained such statistical information and records as may be required or directed.

Rule 2.8 - The Chief shall, during periods of emergency, regulate the hours of employment, which in his or her judgment shall be for the best interest of the department and public safety.

Rule 2.9 - In the event of any major fire, riot, or other unusual occurrence where the service of large details of police are necessary, the Chief of Police shall respond to a location wherein he may take command of the force and direct the response.

Rule 2.10 - The Chief shall assure that commanding officers are diligent in the performance of duty and that they maintain a proper discipline of subordinates under their separate commands, and that no partiality, favoritism or undue leniency is shown, or any injustice done.

Rule 2.11 - The Chief shall at all times keep informed of the affairs of the department and be assured that the duties of subordinates are properly discharged.

Rule 2.12 - The Chief shall visit, or cause to be visited, at irregular and unannounced times, all police department quarters, sections or districts to inspect the efficiency of police work, and where unsatisfactory conditions are found, to call such conditions to the attention of the commanding officers and see that the necessary action is taken.

Rule 2.13 - The Chief shall require loyalty, energy and obedience from all members of the department and shall take action in prosecuting any member guilty of interfering with, or in any manner obstructing or attempting to obstruct, the orderly and efficient operation and conduct of the department.

Rule 2.14 - In the absence of the Chief of Police due to vacation, illness or other reason, command of the department will be assumed by a Section Commander designated by the Chief. At no time shall the department be left in command of a member below the rank of Captain without the knowledge and approval of the Chief.

Rule 2.15 The Chief shall be the operations officer and shall supervise, evaluate and coordinate the efforts and activities of all sections.

Rule 2.16 - The Chief shall be responsible for the discipline, morale, physical fitness, training, efficiency and compliance with all orders, rules and regulations, and policies and procedures governing members of the police department.

Rule 2.17 - The Chief shall, in any dereliction of duty, apply the appropriate sanction, such as reprimand or suspension and shall, according to Civil Service laws, make a prompt written report to the Director of Public Service & Safety.

Rule 2.18 - The Chief is to assure that proper supervision is maintained as pertains to officer or employee attendance at court, and that members observe proper decorum in their manner of testifying and attire.

Rule 2.19 - The Chief of Police is responsible for the overall Fiscal Management of the Police Department as prescribed by applicable General Orders.

CAPTAINS OF POLICE

Rule 3.1 - All Sections shall be under the command of a Captain unless otherwise ordered by the Chief of Police. The Captain shall be held responsible for the proper performance of duty of those assigned to him or her for supervision and shall insure that they are instructed in laws, ordinances, rules and regulations and policies and procedures, and shall direct and provide assistance in the discharge of their subordinates duties.

Rule 3.2 - They shall be responsible for the enforcement of laws, duties and responsibilities of the department and particularly those applicable to their section, and for adherence to the rules and regulations, policies and procedures and other official orders of the department.

Rule 3.3 - They shall, without waiting for specific instructions in any unusual situation not covered by rules and regulations or policies and procedures, establish any required details necessary for the preservation of the health and safety of the members or the public, for preserving the peace, protecting life and property or the investigation of any serious occurrences.

Rule 3.4 - They shall be held accountable for the care and condition of the quarters and equipment assigned to and used by their section. They shall frequently inspect such quarters and equipment, reporting to the Chief all unsanitary and unsafe conditions and the need for repairs and replacements. They shall be responsible for the personal appearance of members of their section.

Rule 3.5 - They shall not permit police headquarters, equipment, supplies or other facilities to be used for other than legitimate police business or authorized activities.

Rule 3.6 - They shall promptly investigate any dereliction of duty by any member of their section and take appropriate action if dereliction is found to exist.

Rule 3.7 - They shall cooperate and confer from time to time with one another on matters of mutual interest.

Rule 3.8 - They shall make, or cause to be made, all reports concerning the responsibilities and activities of their command. All such reports are to be prepared, forwarded or filed as proscribed and in a timely manner.

Rule 3.9 - They shall be within the official staff of the Chief of Police, and as such may be called upon individually and collectively to discuss current police matters.

SERGEANT

Rule 4.1 - A Sergeant shall be held responsible for the proper performance of duty of subordinates assigned to him or her for supervision and shall instruct them in laws, ordinances, rules and regulations, and policies and procedures, and shall direct and assist them in the discharge of their duties.

Rule 4.2 - The Sergeant shall set an example to all subordinates in sobriety, dignity, civility, discretion, skill, diligence and the observance of proper discipline. The Sergeant shall at all times appear neatly attired, clean in person and equipment and demand a proper attitude of respect and obedience.

Rule 4.3 - A Sergeant, in the absence of his or her immediate supervisor, shall assume all the duties of the immediate supervisor, and shall be subject to the rules, regulations, policies, and procedures governing that position.

Rule 4.4 - A Sergeant shall report to his or her superior any inattention to duty, neglect or other violation of rules and regulations or policies and procedures by any subordinate whether or not under his or her immediate assignment or supervision.

Rule 4.5 - A Sergeant shall be held responsible for the condition, care and proper use of quarters, vehicles and other equipment used by immediate subordinates.

Rule 4.6 - A Sergeant shall be responsible for the proper and complete preparation and timely submission of reports relating to his or her assignment and of all reports prepared by immediate subordinates.

GENERAL RULES

Rule 5.1 - **Officers shall not commit any acts or omit any acts which constitute a violation of the Rules and Regulations, General Orders or other directives or orders of this department. Violations may be sufficient cause for reprimand, suspension, demotion and/or dismissal. Members shall hold their position during good behavior and efficient service, but may be removed for the following reasons as listed in ORC Section §124.34: i.e., Incompetence, Inefficiency, Dishonesty, Drunkenness, Immoral conduct, Insubordination, Discourteous treatment of the public, Violation of Civil Service law or rules of the Civil Service Commission, Failure of good behavior and/or other acts of Misfeasance, Malfeasance, or Nonfeasance in Office.**

Rule 5.2 - **Officers shall not engage in conduct unbecoming to a police officer. Unbecoming conduct is that conduct which, clearly and demonstrably, has the effect of bringing the department into disrepute, reflects discredit upon the officer as a member of the department or which impairs the operation or efficiency of the department or the officer.**

Rule 5.3 - **Members shall maintain a level of moral conduct in their personal and business affairs which is in keeping with the highest standards of the law enforcement profession.**

Rule 5.4 - **Members shall obey all laws of the United States, and of any state or local jurisdiction in which they may be present.**

Rule 5.5 - **Members while on duty shall not play games, watch television, movies, video tapes, for the purpose of entertainment or conduct personal business except as may be required in the performance of duty, or is sanctioned by the Chief of Police. No such conduct shall be engaged in which causes a member to neglect or be inattentive to duty.**

Rule 5.6 - **Members shall not feign illness or injury, falsely report themselves as ill or injured, or otherwise deceive or attempt to deceive any official of the department as to the condition of their health.**

Rule 5.7 - **Members shall remain awake while on duty. If unable to do so, they shall so report to a superior, who shall determine the proper course of action.**

Rule 5.8 - **Officers shall not leave their assigned posts or duty assignments except when authorized by a higher authority or by policy.**

Rule 5.9 - Officers shall be permitted to suspend patrol or other assigned activities, subject to immediate call at all times, for the purpose of having meals during their tour of duty.

Rule 5.10 - Members shall maintain sufficient competency to properly perform their duties and assume the responsibilities of their positions. They shall perform their duties in such a manner that will maintain the highest standards of efficiency in carrying out the functions and objectives of the department.

Rule 5.11 - Officers may engage in outside employment subject to the following limitations:

A. Such employment shall not interfere with the officer's employment with the department.

B. Officers shall submit a written request to the Chief of Police, whose approval must be obtained prior to engaging in such employment.

C. Officers shall not engage in any employment or business involving the sale or distribution of alcoholic beverages, narcotics or controlled substances.

D. Officers shall not work for bail bond agencies, as insurance investigators, as private guards or for collection agencies or attorneys.

Rule 5.12 - Officers, when in uniform, may use tobacco when:

A. They are not in formation.

B. They do not have to leave their post or assignment for the sole purpose of using tobacco.

C. They are not engaged in traffic direction or control.

1. When in direct contact with the public, officers must obtain permission from the persons with whom they are in direct contact before using tobacco.

D. When they are not in a City of Troy building or structure.

Rule 5.13 - Members shall promptly obey any lawful order of a superior officer. A lawful order would be any order that a superior has the authority to give and one that is not unlawful for the superior to give.

Rule 5.14 - Members shall not solicit or accept from any person, business or organization any gift, gratuity, bribe or reward for the benefit of the member or the department, if it may be reasonably inferred that the person, business or organization:

A. Seeks to influence action of an official nature or seeks to affect the performance or nonperformance of an official duty

B. Has an interest which may be substantially affected directly or indirectly by the performance or nonperformance of an official duty.

Rule 5.15 - Officers or members shall not use their official position, or official identification cards or badges for personal or financial gain, or for obtaining privileges not otherwise available to them except in the performance of duty, or for avoiding consequences of illegal acts. Officers or members shall not lend to another person their identification cards, badges, or permit them to be photographed or reproduced without the permission of the Chief of Police.

Rule 5.16 - Officers or members shall not authorize the use of their names, photographs or official titles which identify them as officers or members, in connection with testimonials, advertisements or endorsements of any commodity or commercial enterprise without the approval of the Chief of Police.

Rule 5.17 - Members shall be courteous to the public. They shall be tactful in the performance of their duties, shall control their tempers and exercise the utmost patience and discretion. In the performance of their duties, members shall not express any prejudice concerning race, religion, politics, national origin, lifestyle or similar personal characteristics.

Rule 5.18 - Members shall courteously, properly and judiciously act upon requests for assistance, advice, complaints or reports received from persons either in person or by phone. All pertinent information will be obtained and acted upon consistent with established departmental procedures.

Rule 5.19 - Members shall avoid regular or continuous association with persons whom they know are persons under criminal investigation, indictment

or who have a reputation in the community or the department for present involvement in felonious or criminal behavior, except as necessary for the performance of official duties, or where unavoidable because of other personal relationships of officers.

Rule 5.20 - Members shall not knowingly visit, enter or frequent a house of prostitution, gambling house or other place or establishment wherein the laws of the United States, the state or local jurisdiction are regularly violated except in the performance of duty or while acting under proper and specific orders of a superior officer.

Rule 5.21 - Members shall not publicly criticize or ridicule the department, its policies or other members by way of speech, writing or other expression where such speech is defamatory, obscene, unlawful, undermines the effectiveness of the department, interferes with maintenance of discipline or is made with reckless disregard for truth or falsity.

Rule 5.22 - When on duty, members shall wear uniforms or other clothing in accordance with established departmental policies and procedures.

Rule 5.23 - Appearance - officers when on duty shall maintain a neat, well-groomed appearance, meeting the following criteria:

A. Uniforms shall be in compliance with the uniform policy as described by the City. The prescribed uniform will be clean, pressed when appropriate and in good repair and condition.

B. Hair must be neat, clean, trimmed and combed and present a groomed appearance. Hair shall be worn no longer than the top of the shirt collar at the back of the neck when standing with the head in a normal posture and present a tapered appearance at the back of the neck. The bulk of the hair will not interfere with the normal wearing of the standard headgear.

1. Wigs or hairpieces are permitted providing that they conform to the standards.

2. Sideburns will not extend lower than the lower part of the point where the ear connects to the side of the head and will be rectangular in shape.

3. Faddish or unusual hairstyles are prohibited.

C. **Mustaches may be worn. A mustache will be neatly trimmed and natural in color for the individual. Mustaches will not extend below the vermilion border of the upper lip or the corner of the mouth and may not extend to the side of the mouth more than one- quarter of an inch.**

D. **Beards are prohibited. The Chief of Police may under special circumstances approve the wearing of a beard (e.g. medical reason, special assignments, special events, etc.).**

E. **Jewelry or body adornments shall comply as follows:**

1. **Chains and necklaces may be worn but not visible outside of the uniform. Due to safety reasons the department discourages the wearing of such.**

2. **Earrings shall not be worn for safety reasons.**

3. **The wearing of faddish, unusual or ornamental jewelry (including body-piercing jewelry) is prohibited for safety reasons.**

F. **Visible tattoos or other body markings or piercings are prohibited.**

G. **Fingernails will be maintained in a well-groomed manner, short in length and clean. Nail polish is prohibited, except for a clear coating.**

H. **Facial make-up will be used with discretion. Bright colors and extreme face and eye make-up is prohibited. False eyelashes are prohibited.**

I. **The wearing of gloves is allowed only for the protection and warmth of the individual or if it is part of the prescribed uniform and will be black in color of the type designed for use by law enforcement officers.**

J. **Civilian personnel will be in compliance with Chapter 141 and the City of Troy Personnel manual, Policy 4.6.**

Rule 5.24 - Residency: to ensure adequate response times to emergencies and disasters, employees, as a condition of employment, shall reside either in Miami, County or in one of the following adjacent counties:

Darke, Shelby, Champaign, Clark or Montgomery. New officers hired, if living outside the limit allowed, must establish permanent residence inside the allowed area within a period of 6 months following appointment.

Rule 5.25 - Members shall treat the official business of the department as confidential. Information regarding official business shall be disseminated only to those for whom it is intended, and in conformance with established departmental procedures.

Rule 5.26 - Members shall submit all necessary reports in a timely manner and in accordance with established departmental procedures. Reports shall be truthful and complete. No officer shall knowingly enter or file, or cause to be entered or filed, any inaccurate, false or improper information or report.

Rule 5.27 - Property or evidence, which has been discovered, gathered or received in connection with departmental responsibilities, shall be processed in accordance with established departmental procedures. Members shall not convert to their own use, manufacture, conceal, falsify, destroy, remove, tamper with or withhold any property or evidence in connection with an investigation or other police action or responsibility, except in accordance with established departmental procedures.

Rule 5.28 - Officers shall not make false accusations nor file false charges against any person.

Rule 5.29 - Members shall utilize department equipment and supplies only for their intended purpose, in accordance with departmental procedures, and shall not willfully lose, damage or abuse department equipment or supplies. All department equipment issued to members shall be properly maintained. Loss or damage to department equipment shall be reported to a superior officer as soon as is practicable.

Rule 5.30 - Members shall operate official vehicles in a careful and prudent manner, and shall obey all laws and departmental orders relating to such operation. Loss or suspension of any driving license shall be reported promptly to the department.

Rule 5.31 - Officers shall carry and use firearms in accordance with law and established departmental procedures.

Rule 5.32 - Officers shall not mistreat any persons who are in their custody. Persons in custody are to be handled in conformance with law and departmental policies and procedures.

Rule 5.33 - Officers shall not use more force in any situation than is reasonably necessary under the circumstances and shall conform to law and departmental policies and procedures concerning use of force.

Rule 5.34 - Officers on duty shall use and handle weapons in conformance with law and established departmental policies and procedures.

Rule 5.35 - Officers shall not make any arrest, search or seizure which they know is contrary to law or established departmental policies and procedures.

Rule 5.36 - Members shall submit a report of a change of marital status, residence or telephone number during the next tour of duty following the change.

Rule 5.37 - Members shall not directly or indirectly, without written or prior notice to the Chief of Police, and upon approval of the Chief of Police, attempt to influence or solicit any person to affect their own transfer or promotion, the transfer or promotion of others or matters affecting the discipline of themselves or others.

Rule 5.38 - Members shall not make any expenditure of money or incur a financial obligation in the name of the department or city without permission or authorization from the Chief of Police.

Rule 5.39 - Members shall not permit unauthorized persons to ride in or operate police vehicles, or to operate other department equipment.

Rule 5.40 - Members shall not, after an affidavit or charges are filed, reduce, alter or change the original charge nor recommend or agree to such reduction, alteration or change without prior approval of the prosecuting attorney.

Rule 5.41 - Officers shall, when persons are found to be in an unconscious or semiconscious condition, unable to comprehend or explain their whereabouts or condition or who complain of illness or injury, take, or cause to be taken, such persons to a medical facility for examination and necessary attention. If the person is under arrest or in custody, the person is to be taken for examination and necessary treatment prior to incarceration.

Rule 5.42 - Officers, when transporting prisoners, shall be held strictly responsible for the prisoner's safekeeping and well-being and shall conduct such transport in conformance with established departmental procedures.

Rule 5.43 - Members, feeling aggrieved because of treatment, orders or disciplinary action resulting from an infraction of the Rules and Regulations or General Orders, shall submit their complaint in accordance with grievance procedures appropriate to their position as found in law, ordinance, collective bargaining agreement or General Orders.

Rule 5.44 - Officers, when on duty and not engaged in an enforcement activity which would preclude them doing so or which would jeopardize a sensitive police operation, are to demonstrate proper protocol in relation to the flag of this Nation when such flag passes in review, or when in uniform and present at a special event during the time when the National Anthem is played or sung. Uniformed officers are to come to attention, face the flag and proffer a military hand salute. The uniform hat is to be in place upon the officer's head during such salute. On duty non-uniformed officers are to stand at attention, with hats or caps removed, and the right hand and hat or cap placed and held across the heart while the flag passes in review or during the National Anthem.

Rule 5.45 - Upon the order of the Chief of Police, members of the police department shall submit to truth verification examinations when the examinations are specifically directed and narrowly related to a particular internal investigation being conducted by the department. Whenever a complaint from a citizen is the basis for the investigation, the matter is non-criminal and no corroborating information has been discovered, members shall generally not be required to submit to truth verification examinations unless the citizen first submits to a truth verification examination which is specifically directed and narrowly related to the complaint.

Rule 5.46 - Members shall report to duty at his or her designated duty time and shall remain on duty throughout the designated duty time and not leave the assignment except for illness or legitimate emergency police business, in which case the member shall notify, or cause to be notified, his or her immediate superior as soon as is practicable.

26.1.2 Employee Awards

The purpose of this program is to recognize personnel for actions which constitute exceptional performance. The following awards are created to recognize not only the department's sworn and civilian personnel, but also recognize the citizens we serve. The procedures and criteria for recognizing department members and citizens, including presentations of medals, letters of commendation, and awards for merit or valor is hereby established.

1. **<u>Medal of Honor</u>: To be awarded to an officer who voluntarily distinguishes himself or herself by extraordinary heroism. The officer must have been fully aware of the imminent threat to his or her personal safety and have acted above and beyond the call of duty at the risk of his or her own life.**

    a. **May be award posthumously.**

    b. **Award to consist of medal, certificate and uniform ribbon.**

    c. **Ribbon color to be yellow gold with red stripes.**

2. **<u>Purple Heart</u>: To be awarded to an officer who in the line of duty, receives a serious wound or injury as a result of a felonious assault.**

    a. **The officer must have been actively engaged in a police activity at the time of the injury.**

    b. **The injury must be of sufficient gravity as to require professional medical care.**

    c. **This award is intended to recognize primarily officers injured as a result of a felonious assault, however, injuries inflicted as a result of fire or explosions may also be considered by the committee.**

    d. **The award will consist of a medal, certification and uniform ribbon.**

    e. **Ribbon color to be white with a purple heart.**

3. **<u>Distinguished Service</u>: To be awarded for exceptional conduct, involving exemplary courage, great risk and danger to the officer's personal safety, but less than that required for the Medal of Honor.**

    a. **May also be awarded to an officer that is directly responsible for the saving of a human life, even if that person later dies at a medical facility. Documentation and other supportive evidence such as statements from physicians and/or other officers will be required.**

    b. **May also be awarded for meritorious service in the performance of an assignment of great responsibility, the excellence of such performance distinguishes the officer and the department.**

    c. **Award consists of medal, certificate and uniform ribbon.**

    d. **Ribbon color to be blue with white stripes.**

4. **<u>Meritorious Service</u>: May be awarded to an officer or civilian personnel who have performed valuable services to the department, either in carrying out a specific task, or in the performance of general duties over an extended period of time, either of which was at a higher level of performance than was expected of them.**

    a. **Award consists of medal, certificate and a uniform ribbon.**

    b. **Ribbon color to be white, red and blue.**

5. **<u>Chief's Commendation Medal</u>: May be awarded to an officer or civilian personnel for community service or exceptional duty.**

    a. **Community Service - Encompasses a wide range of participation in organizations or activities, over time that benefits the community as a whole or a certain segment of the community. Volunteerism and altruism are to be considered as key factors.**

    b. **Exceptional Duty - Acts or accomplishments that bring acclaim to the officer or employee, the department or to the police profession as a result of devotion to duty or service to the public or performing a laudable or extraordinary act.**

(1) Award shall consist of a medal, certificate and uniform ribbon.

(2) Ribbon color to be red with blue stripes.

6. <u>Educational Achievement Award</u>: To be awarded to officers that furthers their education in a law enforcement or related field, when those officers do so at their own expense and on their own time.

a. Associate Degree - yellow and red ribbon with blue stripe.

b. Bachelor's Degree - red ribbon with blue and white diagonal stripes.

c. Master's Degree TBD.

d. Doctorate - TBD.

7. <u>Evidence Technician</u>: The evidence technician is an officer that has been selected for, received and passed a specialized training course. The course must be the course instructed by and sponsored by the Miami Valley Regional Crime Lab. After successfully completing the course, the officer shall become a departmental evidence technician.

a. Criteria for selection of an evidence technician.

(1) Must be a sworn officer.

(2) Must have at least two years experience with the Troy Police Department.

(3) Must have shown enthusiasm in doing his or her job and have expressed an interest in being an evidence technician.

(4) The award will consist of the pin awarded by the Miami Valley Regional Crime Lab when an officer passes the course. The uniform pin will be a blue ribbon with a gold badge and stripes.

8. <u>Crisis Intervention Team</u>: The crisis intervention team is officers that has been selected for, received and passed a specialized training course. The course must be the course instructed by and

sponsored by the Tri-County Board of Recovery & Mental Health. After successfully completing the course, the officer shall become a departmental crisis intervention officer.

a. Criteria for selection of a crisis intervention team.

(1) Must be a sworn officer.

(2) Must have at least two years experience with the Troy Police Department.

(3) Must have shown enthusiasm in doing his or her job and have expressed an interest in being a crisis intervention officer.

(4) The award will consist of the pin awarded by the Tri-County Board of Recovery & Mental Health when an officer passes the course.

9. <u>Field Training Officer Award</u>: A field training officer is an officer that has been selected as an FTO candidate, then received, and passed, specialized training in the aspects of training a new police officer. Upon the successful completion of this training, that officer shall be a department field-training officer.

a. Criteria for selection of a field training officer.

(1) Must be a sworn officer.

(2) Must have at least three years experience with the Troy Police Department.

(3) Must be assigned to the patrol section.

(4) Must have displayed good job knowledge and enthusiasm in doing his or her job.

(5) Award will consist of a green uniform ribbon with the letters FTO on it.

10. <u>Tactical Response Team Ribbon</u>: This ribbon is to be given to any officer that is or becomes a member of the department's

emergency response team. The ribbon will be red and gray with a red lightning bolt centered on it.

11. <u>Safe Driving Award</u>: To be awarded to those officers whose driving habits have exhibited sufficient ability to avoid chargeable accidents.

a. Eligibility: All departmental employees whose primary responsibility involves operating a city vehicle on a regular basis.

b. Criteria: To be awarded for driving of city vehicles and having no chargeable accidents while driving said vehicles.

(1) A chargeable accident for the purpose of this award is an accident wherein the employee is determined to be at fault, whether the employee is cited or not.

c. Awards: Ribbon to be issued after five years of accident free driving. The ribbon will be updated in five year increments, i.e.,10, 15, 20, 25, 30, etc. While the years in each increment must be consecutive, the increments need not be consecutive. An example of this would be where an employee has been awarded his five-year award and has a chargeable accident in his seventh year. He would not lose his five-year award but his time for the second award would start running the day after the chargeable accident.

d. Award will consist of a uniform ribbon.

e. Ribbon color will be white with green stripes with the corresponding years of safe driving centered on it.

12. <u>Seniority Award</u>: To be awarded to sworn personnel to recognize their years of police service to the City of Troy.

a. The basic seniority award will be a white ribbon with red stripes, to be issued following completion of five years of service as a sworn officer with the department.

(1) At 10 years of service, the numerals in the center will be updated to show each subsequent 5 years of service.

13. <u>Commendations Oral and Written</u>:

a. Oral Commendations: To be given to any employee in recognition of that employee's thorough and skillful handling of a difficult assignment in the performance of their duties. May be given to an employee by any supervisor. Even though it's an oral commendation, it is to be recorded in writing and placed in the employee's personnel file.

b. Written Commendations: To be given to any employee who, while in the performance of their duties, perform in a highly creditable manner. May be given by any supervisor for actions that warrant more than an oral commendation, but less than the Meritorious Service Award.

14. <u>Citizens Award of Valor</u>: To be awarded to any private citizen who voluntarily comes to the aid of a Law Enforcement Officer or another citizen at great person risk to their own lives, in situations where the citizen has no personal profit motive or gain in assisting the officer.

a. The award will consist of a plaque and certificate.

15. <u>Civilian Meritorious Service Award</u>: To be presented to any citizen or organization who has supported the department, have made major significant contributions to the cause of good law enforcement or have performed a deed which is worth recognition, but does not fall within the guidelines of other awards.

a. Award will consist of a certificate.

16. Awards Committee: An awards committee will be formed to make recommendations to the Chief of Police for the presentations of awards. The awards committee shall consist of one Captain, one sergeant and one person of patrol officer rank.

a. Any officer or other police employee may bring to the attention of any member of the committee any deed that they feel warrants a review for possible presentation of an award. The Chief of Police will have the final say of whether an award is presented or not, and what award is to be presented.

b. **No police personnel who are being considered for an award, or a relative of that person, can sit on the committee considering that award.**

17. **<u>The Education Achievement Award</u>, <u>Seniority Award</u>, <u>Safe Driving Award</u>, <u>Evidence Technician Award</u>, <u>Field Training Officer Award</u> and the <u>Tactical Response Team Badge</u> may be issued by the Chief of Police without consideration of the committee on the awards.**

18. **Display of Ribbons and Ranking: Officers shall when ordered for special events, wear all ribbons they have been issued .**

    a. **When worn, the ribbons shall be worn so the bottom of the first row of ribbons is one half inch above the top of the right chest pocket of the uniform shirt. A maximum of three ribbons is to be worn in a row. An additional ribbon or set of ribbons shall be centered over, not quite touching, the top of the next lower row of ribbons. A set of two ribbons worn above a row of three shall abut one another. A maximum of seven ribbons may be worn at one time.**

    b. **Ribbons shall be worn so the lowest ranking ribbon is displayed the furthest from the center of the chest, with the next highest ribbon in ranking to its left, and etc.**

        (1) **If multiple rows of ribbons are to be worn, the top row shall consist of the highest ranking ribbon nearest the center of the chest. The bottom row shall always consist of the safe driver and seniority ribbons. Additional ribbons, i.e. FTO, TRT, Evidence Tech. , etc. will be placed on either the second or third row when more than three ribbons are worn.**

    c. **Officers are to wear a name tag at the right hand chest area on the uniform shirt and on the outermost garment, i.e., jacket, winter coat, department coveralls or raincoat.**

        (1) **On the uniform shirt, the name tag is to be worn centered on the right chest pocket, having the top of the name tag even with, but not above, the top seam of the pocket flap.**

(2) On uniform coats having pockets or pocket flaps at the chest area, the name tag is to be worn centered over the right chest pocket flap with the bottom of the name tag just touching the top seam of the pocket flap.

d. TRT, Evidence tech pins and FTO pins will be worn at all times.

19. Ranking of the ribbons and awards.

a. Medal of Honor.

b. Purple Heart.

c. Distinguished Service.

d. Meritorious Service.

e. Educational Achievement Award.

f. Seniority Award.

g. Safe Driving Award.

26.1.3 Sexual Harassment

A. The Troy Police Department prohibits sexual harassment, hostile work environment and work place violence.

B. Every employee is to sign an "Acknowledgement of Policy against Sexual Harassment" and "Non-violent Workplace Policy" after having read both of the city's policies. The acknowledgement will be maintained in the Personnel Director's Office.

C. The city sexual harassment policy states: "If you believe you have been subjected to such sexually harassing or violent behavior by an employee, a supervisor, or anyone else in connection with your work, you should promptly report it to the City. You may report it either to your supervisor, your department head, or another member of management."

D. For any other information concerning sexual harassment, refer to the Sexual Harassment Policy and Non-Violent Workplace Policy located in the back of this chapter.

26.1.4 Disciplinary System

The Troy Police Department uses the theory of progressive discipline to overcome negative behavior in the employees of the department. The three types of discipline that is used are: Training, Counseling and Punitive Actions.

A. Training may be used in conjunction with other forms of discipline when it can be show that an act of omission or an error resulted from the agency's lack of training or the individual employee's failure to assimilate certain information.

1. Training can be used to strengthen the employee's knowledge, skills, and/or abilities.

a. Training can be in the form of in-service or extra departmental training.

b. The agency may demand a certain level of performance be demonstrated following completion of training and prior to making a final decision considering the ultimate outcome of disciplinary proceedings.

B. Counseling may be used in conjunction with or in lieu of other forms of discipline.

1. The counseling may be on a formal or an informal basis.

2. Counseling may be handled intra-departmentally, inter-departmentally, or by an external agency.

3. The agency may demand documentation of counseling sessions, especially if handled outside the agency, and may require evidence that the counseling session(s) has led to improvement in the circumstances that led to the counseling session(s).

4. Counseling will not be a form of discipline for the record.

5. Counseling records are to be maintained in a training file.

C. The agency has procedures and criteria for taking punitive actions in the interest of discipline.

1. Employees who violate their oath and trust by committing an offense punishable under the laws or statutes of the United States, the State

of Ohio, or the Ordinances of the City of Troy, or who violate any provision of the rules and regulations of the City of Troy, the Troy Police Department, or who disobey any lawful order, or is incompetent to perform their duties, are subject to appropriate disciplinary action.

2. **Discipline shall be administered in accordance with the current collective bargaining agreement or the Personnel Rules Manual as appropriate.**

3. **If a supervisor or command officer believes that the integrity or best interest of the department requires an immediate suspension of an employee due to the seriousness of particular circumstances or possible criminal involvement of an offense, that officer may do so.**

    a. **The suspended employee and the officer ordering the suspension shall be required to report to the Office of the Chief of Police within twenty-four (24) hours, unless otherwise directed by the Chief.**

    b. **Upon hearing the facts of the case, the Chief of Police shall make recommendations and may require the employee to report to the office of the Service & Safety Director on the next business day, at which time the Service & Safety Director may take whatever actions he deems necessary.**

    c. **If the emergency suspension is deemed unjustified, the employee shall be compensated for the lost time.**

D. **A written report will be submitted any time disciplinary action is taken or recommended.**

1. **This report will include: the name and assignment of the employee subject to discipline, the date(s), time(s), and location(s) of the alleged misconduct, the Section Number of this manual or common name of the infraction involved, a complete statement of facts of the alleged misconduct, the punishment imposed or recommended, and the signature of the preparing office and his/her relationship to the employee subject to discipline.**

2. **The preparing officer shall distribute copies of this report to the Chief of Police.**

E. At the discretion of the Chief of Police, an employee subject to suspension or dismissal may be ordered to surrender their badge, identification, and issued weapon(s).

F. If discipline involves the disciplined employee's immediate supervisor, it shall not be considered a violation of chain of command for the disciplined employee to forward their concern or appeal to the supervisor's immediate supervisor.

26.1.5 Role and Authority of Supervisors

A. All supervisors have the authority to take immediate disciplinary action in selected circumstances. Some circumstances demand that an employee be immediately relieved from duty pending review by the Chief of Police and/or until formally charged with an administrative violation or a violation of law. Examples are:

1. **While on duty, the employee is found to be intoxicated or to be impaired due to improper or illegal use of drugs.**
2. **The employee is found drinking on duty when not specifically authorized to do so as part of an assignment.**
3. **The employee is found using illicit drugs or abusing licit drugs on duty.**
4. **The employee is found committing, or there is reasonable cause to believe that the employee has committed a felony.**
5. **The employee is found in a situation involving sexual activity and moral turpitude.**
6. **Gross insubordination**
7. **The employee is exhibiting or has exhibited during the present tour of duty bizarre, aggressive or otherwise dangerous behavior which reasonably leads the supervisor to believe that the employee is temporarily unfit for duty.**

B. When an employee is temporarily relieved by other than the Chief of Police, the Chief of Police is to be immediately notified and is to schedule a hearing prior to the employee's next scheduled tour of duty to fully review the circumstances of the temporary relief from duty and to determine what, if any, subsequent or additional action is to be taken.

C. All supervisors are authorized to take immediate corrective action when an infraction is observed being committed by any subordinate. If the infraction or condition is not of a serious nature, the corrective action may be reserved to be taken at a later time and/or in a more appropriate setting.

1. **If an infraction is observed or is alleged to have been committed by a subordinate not assigned to the supervisor's immediate command, and immediate action is not required, the supervisor should prepare**

the appropriate complaint form and route it to the employee's supervisor for further action.

D. When infractions or conduct occurs which is, or appears to be, of a nature which does not seem to require immediately relieving an employee from duty, but which seems to be of such substance that after an investigation may involve formal censure or suspension pending hearing, the supervisor is to report the infraction or condition to the Chief of Police and to the person in charge of the Internal Affairs function for consideration and subsequent action.

E. In all other circumstances for which immediate relief from duty is not provided, the Chief of Police retains the exclusive right to relieve an employee from duty either through administrative leave or temporary suspension pending hearing by the Director of Service & Safety.

1. **See Sections §124.34 and §737.12 of the Ohio Revised Code as they relate to reduction, suspension, removal and appeal processes for police employees.**

F. Whenever disciplinary action is taken, a report or report copy shall be forwarded to the person in charge of the Internal Affairs function which outlines the infraction or condition precipitating the disciplinary action taken.

G. The role of the supervisor is to observe conduct and appearance of employees and detect those instances when commendations or disciplinary actions are warranted.

26.1.6 Appeal Procedures

A. Employees may appeal a disciplinary action in accordance with law, the Rules and Regulations and the grievance procedures as outlined in the appropriate collective bargaining agreement, City Personnel Policy, and in General Orders contained in Chapter 25 (Grievance Procedures).

26.1.7 Dismissal Procedures

A. Whenever an employee is dismissed, regardless of whether or not it is a result of disciplinary action, the employee is to be provided with a written statement containing the information below.

1. A statement citing the reason for dismissal

2. An effective date of the dismissal

3. A statement of the status of fringe and retirement benefits following dismissal.

a. Preferably the written statement is to be hand delivered by a representative of the department, and the time of delivery and the identity of the person making the delivery should be recorded. The statement may, however, be delivered by regular, registered or certified mail.

26.1.8 Records

Investigative reports concerning disciplinary action and/or the allegations of misconduct on the part of the department or of employees are to be maintained in a separate secure file by the person assigned to the Internal Affairs function. Such written reports shall not be a part of the employee's personnel file.

A. Access to active files involving investigation of employee misconduct shall usually be limited to the Chief of Police, the person in charge of the Internal Affairs function and, except in rare circumstances, to the employee's immediate supervisor. Closed files are accessible in conformance with Public Records law.

B. Records which list specifications and charges, written reprimands and disciplinary action taken, excluding investigative reports, shall be placed in the employee's personnel file located in Chief of Police office.

C. Records pertaining to suspension, demotion or dismissal, excluding investigative reports, shall remain permanently in the employee's personnel file in the City of Troy's personnel office.

31.1.1 Agency Participation

A. Whenever a vacancy is anticipated or exists, an active recruitment program will be in place in order to attract qualified candidates to fill departmental vacancies for the position of Police Officer. The Police Department will actively cooperate with the City and the Civil Service Commission to implement a program to recruit Police Officers.

B. All recruitment must be conducted according to prevailing City of Troy and State of Ohio Civil Service Laws and must be consistent with Equal Employment Opportunity (EEO) regulations.

31.1.2 Assignment/Recruitment

A. Those persons assigned to recruitment activities are to avail themselves of information which will make them more knowledgeable in personnel matters. Upon assignment they shall read and sign the recruiting and hiring policies and procedures.

1. **Special attention is to be placed on keeping abreast with changes and additions to laws concerning Affirmative Action and Equal Employment Opportunity.**

2. **A recruiter must be knowledgeable about career opportunities, salaries, benefits, training, Civil Service, city government and the selection process of a candidate, such as background investigation and testing (truth verification examination, psychological, and physical agility).**

31.2.1 Recruitment Plan

See Recruitment Plan

31.2.2 Annual Analysis

The Troy Police Department shall conduct an annual analysis on the recruitment plan. The analysis shall include the following:

a. Progress towards stated objectives, and
b. Revisions to the plan, as need.

31.2.3 Equal Employment Opportunity Plan

A. It is the policy of the Troy Police Department not to discriminate with regard to race, color, religion, sex, age, national origin, disability or status as a United States Armed Forces veteran, with respect to recruitment, hiring, promotion, or other terms and conditions of employment, provided the individual is qualified to perform the work available. Further, it is the policy of this department to comply voluntarily with the concepts and practices contained in affirmative action. The personnel director shall be designated to administer the Affirmative Action Program.

1. Accordingly, all employment decisions shall be consistent with the principal of equal employment opportunity (EEO).

2. All promotion decisions shall be consistent with the principal of EEO and only valid qualifications will be required for promotions.

3. All other personnel actions or programs such as compensation, benefits, transfers, layoffs, recalls, and training will be administered in a non-discriminatory manner with respect to minorities and women.

B. This policy includes, without limitations, the following commitments:

1. To provide equal opportunity to all qualified persons and to recruit, hire, promote, and compensate persons in all jobs without regard to race, color, religion, sex, age, national origin, disability, or status as a veteran

2. To identify and analyze all areas of the employment process to further the principal of equal employment opportunity

(a) Employment decisions in all areas will be made on the basis of furthering the objective of equal employment.

C. This policy is in conjunction with the Affirmative Action Compliance Plan, which specifies steps that will be taken in order to implement this plan.

D. The EEO plan assures equal opportunities for employment.

31.3.1 Job Announcements

A. The job announcement and recruiting notices for all personnel will provide a description of the duties, responsibilities, requisite skills, educational level and other minimum qualifications or requirements for the position.

B. The Civil Service Commission will advertise application procedures and filing deadlines in the local newspaper and on local radio. The Administrative Captain will request media cooperation in publishing stories, news items and public service announcements.

C. All advertisements will indicate that the City of Troy is an Equal Opportunity Employer by including the phrase "Equal Opportunity Employer".

D. The Troy Civil Service Commission provides the official announcement for all examinations. The application deadline is contained in the header of the announcement and the date is to be underlined and/or placed in bold print.

31.3.2 Posting Locations

A. Whenever the Troy Police Department requests the Civil Service Commission to start procedures for testing to fill all personnel position, the department will post job announcements with appropriate community organizations, joint vocational schools and colleges with and without law enforcement programs. The department will also seek cooperative assistance from key community leaders and community service organizations.

31.3.3 Maintaining Applicant Contact

A. When an applicant submits his/her application to the personnel office for a position, the application will be date and time-stamped by the secretary receiving the application.

1. **An applicant will be contacted once they have been certified by the Civil Service Commission to inform them of the status of their application and the selection process.**

2. **All contact with applicants will be documented.**

31.3.4 Application Rejection

A. Applications for all positions within the police department will not be rejected because of omissions, errors or deficiencies that can be corrected prior to the department's testing or interview process.

32.1.1 Selection Process Described

A. Announcement/Advertisement and Applications

1. **The Civil Service Commission shall prepare an announcement/advertisement publicizing the fact that the Troy Police Department is seeking qualified applicants for a position. The announcement will indicate where and when to apply and how to receive information about the position and selection process.**

2. **Formal applications will then be accepted and information about the position and the selection process will be provided to all applicants.**

B. Written Examination

1. **A written examination will be administered on a predetermined date and at a designated time and place. Applicants shall receive a score on the written examination not less than the minimum score established for the given exam. The written examination shall be obtained from a valid and approved testing service and shall be documented as having validity, utility, and a minimum adverse impact. The Civil Service Commission shall retain results of the written examination in written form.**

2. **All examinations are graded by the Civil Service Commission within five days after the test is taken. Results will be mailed out within ten days.**

C. Physical Capabilities Examination

1. **A physical capabilities examination will be administered to each police officer candidate by qualified fitness personnel and will be evaluated in accordance with established and valid standards.**

2. **It is anticipated that this examination may help identify qualified candidates. The procedure shall be conducted in a valid, useful, and non-discriminatory manner to ensure accuracy and legal defensibility.**

3. **The examination will consist of tasks and movements which are designed to gauge physical capabilities in relation to job-related activities.**

D. Record Check

1. **The record check signifies the beginning of the selection process for the department. This will begin when the Civil Service Commission supplies the department with ten names, starting with the highest gross score from the written examination.**

2. **A thorough and complete record check of each candidate will be conducted by assigned background investigators, who will check for local criminal and traffic records.**

3. **Each candidate's name will be entered into state and national computers for wants and warrants and for a prior records check.**

E. Background Investigation

1. **A thorough and complete investigation of each candidate's background will be conducted by assigned background investigators.**

2. **The information for the background investigation will come from the completed personal history questionnaire and any other available source.**

3. **The background investigation shall include, but not be limited to, the following:**

    a. **Verification of the candidate's credentials, educational achievements, employment, age, residence, citizenship and driver's license**

    b. **Review of the candidate's criminal and traffic record, if any**

    c. **Interviews with prior employers, neighbors, and personal references**

4. **After the background investigation is completed and the results reviewed and analyzed, the background investigator(s) shall submit an investigation finding to the Administrative Captain and the Chief of Police.**

F. Truth Verification Examination

1. **A truth verification examination will be administered to each candidate. A trained and certified truth verification examiner will administer the truth verification examination.**

2. **Questions relevant to the nature and extent of the inquiry will be provided to each candidate in advance of the exam so that he/she can have sufficient time to review and understand what is going to be asked of them.**

3. **Admissions concerning moral attitudes and illegal activities during truth verification testing will be reviewed as to their acceptability.**

4. **The results of the truth verification examination will not be used as a single determinant of employment status. However, a lie to relevant questions during any part of the truth verification examination that is corroborated by other investigative means may eliminate the candidate from further consideration.**

G. Psychological Examination

1. **An emotional stability and psychological examination will be administered to the candidate to aid in the determination that he/she can endure the stress associated with the nature of the job.**

2. **The psychological examination will be administered by qualified psychological or psychiatric professionals.**

H. Oral Interview Panel

1. **All elements of the oral interview will be administered using valid, non-discriminatory procedures.**

2. **The oral interview panel will consist of the Chief of Police, a Captain, a Sergeant, a Patrolman and a background investigator who will act as moderator.**

3. **The guidelines for the oral interview panel are found in the "Selection Process Manual".**

I. Medical Examination

1. **The candidate will be made a contingent offer of employment pending the passage of a medical examination. A licensed physician will conduct the medical examination.**

2. **Results of the medical examination will be submitted to the Chief of Police for consideration.**

J. Probationary Period

1. **All employees appointed shall be probationary in status for a period of one (1) year from the date of such appointment.**

32.1.2 Job Relatedness

A. The selection process for all positions shall use only those rating criteria or minimum qualifications that are job-related and have been documented as being valid. There are several methods used to validate the selection process.

1. **Validity: Proof through statistical data that a given component of the selection process is job-related either by predicting a candidate's job performance or by detecting important aspects of the work behavior related to the position for which they are applying**

2. **Utility: An assessment of the practical value of an element of the selection process based upon considerations of validity, selection ratio, the number of candidates to be selected, and the nature of the job**

3. **Adverse Impact: A substantially different selection rate which works to the disadvantage of members of a race, sex, or ethnic group**

    a. **Adverse impact is defined as a different rate of selection (generally less than 80%) which works to the disadvantage of members of a race, sex, or ethnic group.**

4. **Criterion-related Validation: Written tests are used to measure a candidate's ability to understand directions and to measure general knowledge. This assists in determining the candidate's ability to successfully perform those parts of the job which require an ability to understand and follow directions and to have a general, working knowledge of topics that an employee may have to know.**

5. **Construct Validation: This identifies characteristics or traits deemed necessary or desirable for candidates (i.e., honesty, integrity, personal interaction, etc.).**

    a. **The oral interviews, truth verification exam and psychological test may give insights as to the candidate's suitability for law enforcement operations.**

6. **Content Validation: These components measure or test the candidate's ability to do the job. The medical, physical fitness and agility tests are examples of ways to measure if the candidate has the physical ability to do the job.**

32.1.3 Uniform Administration

A. The selection process for all positions is comprised of many elements. These include a written test, background investigations, truth verification examinations, psychological examinations, physical examinations and oral interviews. All elements of the selection process will be administered, scored, evaluated, and interpreted in a uniform and fair manner.

32.1.4 Candidate Information

A. When potential candidates for all positions file their formal application, they will be given written information containing at least the following:

1. **All elements of the selection process**
2. **The expected duration of the selection process**
3. **The department's policy on reapplication, retesting, and reevaluation of candidates not appointed**

32.1.5 Notification of Ineligibility

A. Candidates for all positions, who are not appointed to probationary status on the basis of a single test, examination, interview or investigation, shall be informed in writing of the decision.

32.1.6 Records

A. Records pertaining to the selection process of candidates for all positions, not appointed to a probationary period, are to be retained and/or disposed of in accordance with department and Civil Service Commission policy and laws regarding privacy, security and freedom of information.

1. Background investigation materials are to be retained for at least three (3) years or until another test is given, whichever is greater, or until all pending action is resolved.

32.1.7 Selection Material Security

A. Materials used by the Troy Police Department in its selection process will be stored in a locked file cabinet. Access to the material will be permitted only to those city and departmental employees who are directly involved in administering the selection process.

B. It is the policy of the Troy Police Department that, whenever selection material is to be disposed of, the material will be burned or shredded.

32.2.1 Background Investigations

A. A background investigation will be conducted on all candidates prior to that candidate being appointed to probationary status.

B. The background investigation will include:

1. **Verification of qualifying credentials**
2. **A review of any criminal record(s)**
3. **Verification of at least three personal references**

32.2.2 Training

A. Personnel used to conduct background investigations shall be selected at the discretion of the Chief of Police and the Administrative Captain. Only sworn officers, trained in collecting required information, will be utilized.

32.2.3 Records Retention

A. Background records of all candidates will be maintained on file for at least four years.

32.2.4 Polygraph Examinations

A. Candidates will be provided with a list of areas from which truth verification questions will be drawn. This will be provided to the candidate at the time of their formal application.

32.2.5 Conducted by Trained Personnel

A. The truth verification examination or other instruments/examinations used for the detection of deception during the selection process will be conducted by personnel who possess professional training and credentials in the use and interpretation of these investigative tools. This includes the administration and evaluation of results of such tests.

32.2.6 Use of Results

A. The results of the truth verification exams shall not be used as the single determinant of the employment status. However, deception to relevant questions during any part of the truth verification examination that is corroborated by other investigative means may eliminate the applicant from further consideration.

32.2.7 Medical Examinations

A. A medical examination is to be conducted prior to appointment to probationary status in a sworn position to certify the general health of the candidate. A licensed physician will conduct the examination.

32.2.8 Emotional Stability/Psychological Fitness Examinations

A. Psychological fitness examinations are designed to assess the emotional stability and psychological fitness of the candidate. Psychological fitness examinations will be conducted prior to appointment to probationary status in a sworn position using valid, useful and non-discriminatory procedures. These examinations will be conducted and assessed by qualified professionals.

32.2.9 Records Retention

A. Emotional stability and psychological fitness files will be placed in the candidate's file for a retention period of three years.

32.2.10 Entry Level Probation

A. All entry level sworn personnel will complete one year on probationary status before being granted permanent status.

B. All sworn personnel must successfully complete the Ohio Peace Officer Basic Training and the Field Training Officer (FTO) program before being granted permanent status, even if the time period involved is longer than one year.

33.1.1 Training Committee

The Troy Police Department will establish and maintain a training committee.

A) The composition of the committee will consist of the Chief of Police, a Captain(s) of the Chief's choice and a Range Officer(s).

B) As individuals are promoted to the positions of Captain, they will become eligible to become a member of the training committee. The Captain(s) will appoint the Range Officer.

C) The training committee will act as an advisor to the training function and assist the Troy Police Department in establishing training goals and objectives, which serves to assist in departmental operations.

D) The committee may discuss training issues during an annual meeting:

1) To assist in developing and evaluating training needs of the department;

2) To seek input, for Committee consideration from members of their respective sections;

3) To identify precise training needs; both internal in-service and external training;

E) The Chief of Police will oversee the Training Committee.

33.1.2 Attendance Requirements

A. Employees assigned to attend an authorized training program or session is required to attend such training programs and to be present at such programs during scheduled class or training times.

1. Employees who are absent from a scheduled assigned training program without approval or who are absent without a recognized excuse such as vacations, court appearances, emergencies or other recognized legitimate reasons shall be considered AWOL from duty and are subject to administrative action attendant to unauthorized absence from duty.

2. When the employee satisfactorily completes an assigned agency authorized training course, it will be noted on the employee's training record.

B. Where training is mandated by law, the training officer will make arrangements for make-up training.

33.1.3 Outside Training Reimbursement

A. When employees are attending a training session to which they have been assigned, there exist circumstances and conditions for which an employee may be reimbursed for authorized expenses incurred by the employee during or as a result of attending the training program. Examples of such incurred expenses are meals, travel, housing, program fees and books or materials.

1. Expenses for meals may be reimbursed when the employee is authorized beforehand to expend meal monies. Employees will not be reimbursed for meal expenses if prior authorization has not been given or if the employee has the opportunity for meals as if when on regular duty.

a. Employees may be reimbursed for meal expenses incurred while attending an assigned training program if prior approval for such expenditures has been given and the employee submits receipts or vouchers for such meal expenditures.

2. Travel expenses may be reimbursed to the employee when prior authorization has been given to incur such expenses. When an employee has been authorized to use his or her private vehicle for transportation to and from an assigned training program, the employee may be reimbursed for mileage at the current rate established by the City of Troy for mileage allowance.

a. The employee is to present vouchers or documentation of expenses incurred and/or mileage driven before reimbursement can occur. Such vouchers or documents will be returned to the office of the Chief of Police for approval and processing.

3. When it is necessary for an employee to utilize lodging while attending an assigned training program, such lodging expenses are usually prepaid by the department and, thusly, there is no employee reimbursement necessary.

a. If, however, lodging has not been prepaid and when prior approval for lodging expenditure has been given and an employee pays for such lodging, the employee will be reimbursed following the submission of proper vouchers or documentation of such expenses.

4. **Tuition or attendance fees are usually prepaid. However, if an employee pays such fees after prior approval, the employee may be reimbursed following submission of proper vouchers or documentation of such expenses.**

5. **Compensation for attending training on regularly scheduled day(s) off**

    a. **For schools where attendance is required, time and a half will be paid or compensatory-time will be granted as stated in bargaining agreements**

33.1.4 Lesson Plan Requirements

A. All training courses will be accompanied by a lesson plan, which will include in their format, a general description of the topic to be addressed, a guide to the amount of time allotted for the course of instruction, the specific performance objectives for the course of instruction, a content guide, suggested instructional techniques, a plan of evaluation for participants which may include a testing format, and reference to material actually presented. Specific areas of the lesson plan will include:

1. **A statement of performance and job-related objectives**
2. **The content of the training and specifications of the appropriate instructional techniques**
3. **The process of approval of lesson plans**
4. **Identification of any tests used in the training process**

B. All lesson plans will be approved prior to the actual training. The head of their respective section (Patrol Captain, Detective Captain, and Administrative Captain) will approve them. If the lesson plan is being drafted for specialized assignment (i.e. TRT), the officer in charge of the specialized section (i.e. TRT Commander) will be responsible for approving the lesson plan. In example, if the commander of the TRT was the Captain of the Detective Section and an Officer from the Patrol Section was responsible for developing a lesson plan, the Officer would not seek approval from the Patrol Captain but from the Detective Captain. If there are any questions concerning the lesson plan, the Chief of Police will review the lesson plan for approval.

33.1.5 Remedial Training

A. The department will identify remedial training as a constructive tool to reinforce, retain, and refine a member's knowledge, skills, and abilities in keeping with the goals and objectives of the department.

B. The need for remedial training for a member will normally be identified through evaluations done by the member's supervisor(s).

1. The member's immediate supervisor will normally have the greatest exposure to the member's specific weaknesses and may make recommendations concerning remedial training to correct the deficiencies.

C. Training which is identified as remedial training shall be scheduled as soon as practical and will be required to be satisfactorily completed by the member.

1. The department may identify in-service training of a remedial nature or may choose to use facilities or courses of instruction outside the department which will address the remedial training need(s) of the member.

D. The department will review all recommendations for remedial training of a member to determine if the department and/or its training have failed to adequately prepare the member.

1. The department will review the nature and content of all recommendations for remedial training to assess content and function of initial (basic recruit) training.

2. The department will review the nature and content of all recommendations for remedial training to assess the possibility of refresher-type remedial training for all members of the department due to changes in law, methods of operation, etc.

E. Timetables under which remedial training is provided will be established on a case-by-case basis.

33.1.6 Employee Training Record Maintenance

A. Whenever an employee has completed a training program, a record of such completion is to be included in the department's training records and, if appropriate, in the employee's personal training record folder maintained by the department.

1. Whenever an employee returns from a training program from which a certificate of attendance, grade results or performance attainment records are provided, the employee is to make a copy of such certificate, grade or record and forward it to the Administrative Captain for filing in the employee's personal training record file.

31.1.7 Training Class Records Maintenance

A. Course content (lesson plans)

1. **When training classes or courses are conducted by the department, a record of the course content and the lesson plan for the course will be maintained by the Administrative Captain.**

B. Names of department attendees

1. **When training courses are conducted by the department, a record of attendees is to be kept.**

C. Performance of individual attendees as measured by tests, if administered

1. **If tests are administered in association with department-conducted training courses, records of individual attendee's scores or performance are to be maintained in the training files.**

33.2.1 Academy Administration and Operation

N/A By Function

33.2.2 Academy Facilities

N/A By Function

33.2.3 Outside Academy, Role

A. Ohio Revised Code 109.73, 109.75, and 109.77 define the parameters for the formulation and monitoring of peace officer training facilities and personnel in this State.

1. In accordance with Ohio Revised Code 109.77, this department will select an academy for recruits which meet the requirements of the Ohio Peace Officer Training Council, which has based the development of the basic curriculum on a statewide job task analysis.

2. Records of the performance of the recruit member shall be maintained by that academy and may be requested by this department.

3. Certification of a recruit by the Executive Director of the Ohio Peace Officer Training Council shall serve as proof of compliance of the recruit with training standards promulgated by the Training Council.

B. Liaison will be maintained between the Chief of Police and the recruit academy.

1. This liaison should include reviewing academy agendas for training and periodic review of recruit records.

C. Through periodic evaluations provided to this department by the recruit academies, this department is invited to supply input to the academy.

1. The department's participation and/or correspondence with the Ohio Peace Officer Training Council also acts to provide input concerning the overall recruit academy program.

D. This department will offer whatever services (staff, facilities, instructors, and other resources) that might assist the recruit academy.

E. Financial obligations of the department to the academy will be processed through the department for course or program fees and other expenses incurred as part of the training.

F. The recruit academy is acting as an agent for the City of Troy in training recruit officers.

33.2.4 Outside Academy, Agency Specific Training

A. In addition to the training and skills taught at an outside academy, the department will provide instructions in policies and procedures that are specific to this department.

1. It shall be the responsibility of a recruit's FTO, Sergeant and the Patrol Captain to assure that each recruit receives instruction in department policies, procedures, and rules and regulations. Some of such instruction and/or training may occur prior to the officer's attendance at the academy with the balance after successful completion of the academy training.

2. The recruit's FTO, Sergeant and the Patrol Captain shall see that the recruit reads and understands all applicable general orders and that the appropriate log forms are completed which document that the recruit has read and understood the general orders.

33.3.1 Instructor Training

A. The department shall select members for training instructors who have knowledge of teaching theories, methods, and practices, and who have a working knowledge of law enforcement.

B. All department instructors who teach courses mandated by the state law are required to possess State of Ohio Certification from the Ohio Peace Officer Training Council.

1. This certification includes training in the following areas:

a. Lesson plan development

b. Performance objective development

c. Instructional techniques

d. Testing and evaluation techniques

e. Resource availability and use

C. If outside instructors are brought in to conduct a training program for the department, their credentials should be examined to assure that they are competent and that their material is relevant.

33.4.1 Entry Level Training Required

A. All newly commissioned members will complete a recruit training program, as proscribed by Ohio Administrative Rule 109:2-1-12, prior to any assignment in any capacity in which the member is allowed to carry a firearm or is in a position to make an arrest, except as part of a formal field training program.

1. If a newly commissioned member has prior training and/or certification, the member may submit to the Chief of Police records of his/her prior training/certification for review, which may then be forwarded to the Ohio Peace Officer Training Council for recommendations to update certification.

33.4.2 Recruit Training Program

A. The department will select an academy for recruit training which provides a curriculum based on job task analysis of the most frequent assignments of officers who complete recruit training.

1. The curriculum mandated by the Ohio Peace Officer Training Council is based on a job task analysis that has been performed in and by the State of Ohio.

B. The department will select an academy for recruit training that provides use of evaluation techniques designed to measure competency in the required skills, knowledge, and abilities.

33.4.3 Field Training Program

A. Field training timetable

1. **Following completion of the academy training and upon returning to the department, recruits are assigned to a Field Training Officer (FTO) for a 10 working week period.**

B. Selection process for Field Training Officers

1. **Field Training Officers are selected from among those officers who have had FTO training. An FTO is assigned a recruit following staff discussion and consideration.**

C. Supervision of Field Training Officers

1. **Field Training Officers are directly supervised by an immediate supervisor with reports being submitted through the immediate supervisor to the head of the section to which the recruit is assigned.**

D. Training and in-service training of Field Training Officers

1. **Officers assigned as FTOs have successfully completed an FTO training program.**
    a. **FTOs may receive additional or upgraded training if it is deemed necessary.**

E. Rotation of recruit field assignments

1. **Recruits will be exposed to various operations and expected to perform satisfactorily in each. Recruits may be given temporary assignments, such as with the Detective Section and with the Juvenile Officer, during the FTO program.**

F. Guidelines for the evaluation of recruits by Field Training Officers

1. **FTOs are provided with a guide for evaluating each recruit during and upon completion of the field training program. The FTO keeps a running record during the program and in addition submits periodic reports and summaries documenting the recruit's accomplishments and progress.**

G. Reporting responsibilities of Field Training Officers

1. **FTOs are required to submit reports of the recruit's status and progress every other day with a weekly summary report to also be submitted.**

33.5.1 Annual Retraining Program

A. In-service training is required of all sworn personnel annually and will include refresher or advanced training. This training will include legal updates and other law enforcement issues such as society skills.

B. The purpose of in-service training is to keep personnel up to date with new laws, technological improvements, and revision in policy, procedures, rules and regulations.

C. All sworn personnel are required to participate in the in-service training program, which may address one or more of the following subjects:

1. **Review of department policy, procedures, and rules and regulations, with emphasis on changes**
2. **Review of statutory or case law affecting law enforcement operations, with emphasis on changes**
3. **Review of the functions of agencies in the local criminal justice system**
4. **Exercise of discretion in the decision to invoke the criminal justice system**
5. **Review of interrogation and interviewing techniques**
6. **Use of force policy, including the use of deadly force**
7. **Emergency medical services, including blood-borne pathogens**
8. **Review of performance evaluation system**
9. **Emergency fire suppression techniques**
10. **New and innovative investigative techniques or methods**
11. **Hazardous materials incidents**
12. **Review of contingency plans, including those relating to special operations and unusual occurrences.**
13. **Crime prevention policies and procedures**

14. **Collection and preservation of evidence**

15. **Report writing and records system procedures and requirements**

16. **Goals and objectives in the department**

33.5.2 Shift Briefing Training

A. Planning for shift briefing

1. **The supervisor or the OIC who conducts shift briefing is responsible for documenting who was present at the session, topics, and subject matter covered during the training.**

2. **Shift briefing will generally consist of a brief synopsis of information, including updates on policy and procedure or recent court decisions and criminal justice opinions.**

3. **Shift briefing will be conducted prior to the beginning of each shift.**

B. Techniques used in shift briefing

1. **Shift briefing may include a wide variety of techniques, including, but not limited to, lecture, videotapes, written documents, audio tapes, and discussions**

    a. **The memo board will document acknowledgement by the officer initialing and dating the log.**

C. Relationships with the academy

1. **Shift briefing will attempt to utilize materials prepared by the various training academies that the department selects to review and retrain on basic or advanced material.**

D. Instructional methods

1. **Methods may include lectures, video and visual presentations, discussions, printed materials (such as IACP Training Keys) and/or demonstrations depending on the nature and content of the material.**

E. Instructional personnel

1. **Shift briefing will generally be conducted by the supervisor or by another person who may have expertise in the subject matter.**

F. Evaluation of shift briefing

1. **Periodic evaluations through testing and critiques shall be conducted to aid in the development or revision of shift briefing and to measure its effectiveness.**

G. Scheduling of training

1. **Shift briefing will be held 1/2 hour prior to the beginning of each shift.**

H. Role of supervisors and officers

1. **Shift supervisors will be expected to take a prominent role in presenting materials at shift briefing and will be expected to take an active role in recommending topics and methods of instruction.**

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33.5.3 Accreditation Training

A. Agency personnel shall receive information regarding the accreditation process to include.

1. **The accreditation process will be explained to all new employees within 30 days after their employement begins or within 30 days after completing the recruit academy.**

2. **All agency personnel will receive information during the self-assessment phase associated with achieving initial accreditation.**

3. **All agency personnel will receive information just prior to an on-site assessment.**

33.5.4 Accreditation Manager Training

A. Employees assigned to the position of Accreditation Manager shall receive specialized Accreditation Manager training within one (1) year of being appointed either through the state CALEA (S.O.A.R.) or national CALEA organization.

33.6.1 Specialized Training

A. Specialized training will be required of members in the following areas, including, but not limited to: Firearms Instructor, Field Training Officer, DARE/SRO Officer, Senior Operator/Operator for breath testing instrument, Evidence Technician, Property Officer, Supervisors, Detectives, and Tactical Response Team (TRT) members.

B. Specialized training is intended to enhance skills, knowledge, and abilities beyond the level of instruction provided for recruits or through other in-service programs and may include supervisory, management, and/or executive development training and also technical and job specific topics. Where personnel are assigned to a specialized component (i.e., any unit, such as Investigations, for which skills are required in addition to skills, knowledge, and abilities gained in basic or other in-service training), training will be initiated at the earliest opportunity.

C. Specialized training shall include the following elements:

1. **Development and/or enhancement of the skills, knowledge, and abilities particular to the specialization**

2. **Management, administration, supervision, personnel policies, and support services of the function or component**

3. **Supervised on-the-job training**

4. **Retraining requirements, if any, mandated by any outside entity i.e. OPOTA or Department of Health, to continue to maintain that certification**

33.6.2 Tactical Team Training Program

A. The TRT team and the hostage negotiators will receive training and have opportunities to practice their skills and develop their abilities to function effectively as a team. Training is necessary and should be exercised in order to build and maintain proficiency.

1. Hostage negotiators will train with the TRT periodically.

2. All training will be documented and the records retained for future reference. The training records of the participating employees will be updated following participation in the training.

B. Procedures for procuring training sites.

1. Prior to training, the Officer in Charge of the exercise is responsible for notifying all appropriate individuals and departments (fire department, land owners, etc.). This is especially important if the exercise is to take place on private property.

a. All property owners/tenants within a reasonable proximity of the exercise will be notified. The engineer's office may be used as a resource to locate and contact owners. The notification of the owners and/or tenants will be logged and maintained with the training records.

b. The TRT Commander will review the proposed lesson plan prior to the exercise and will assure that the proper preparations for the exercise have been made.

c. The Officer(s) responsible for the exercise will perform a reconnaissance of the exercise area to locate and identify any possible hazards.

33.7.1 Civilian Orientation

A. Orientation to the department's role, purpose, goals, policies and procedures

1. Either the Chief of Police or the head of Administrative Section is to explain to a new employee the role, purpose, goals and policies and procedures of the department.

B. Working conditions and regulations

1. Either the Chief of Police or the head of Administrative Section is to advise the employee of the working conditions and regulations.

C. Responsibilities and rights of employees

Either the Chief of Police or the head of Administrative Section is to advise the employee of his or her rights and responsibilities

33.7.2 Civilian Pre-Service and In-Service Training

A. In addition to orientation, training for civilian positions will be required prior to assumption of job responsibilities for assignments in Records and other civilian positions. In-service training will also be provided for all civilian positions. This training will include issues relating to the civilian positions function in the department as it relates to the overall performance of the department.

33.8.1 Career Development Personnel Training

A. Orientation will be conducted, and information provided, to familiarize supervisors and employees assigned to conduct the career development program with considerations and aspects of such a program. Training will consist of the following:

1. **General counseling techniques**
2. **Skill, knowledge and ability assessment techniques**
3. **Salaries, benefits and training opportunities**
4. **Educational opportunities and incentive programs**
5. **Awareness of cultural background of ethnic groups in the program and considerations relating thereto**
6. **Record keeping techniques**
7. **Career development programs in other jurisdictions**
8. **Availability of resources**

33.8.2 Skill Development Training Upon Promotion

A. Upon promotion, sworn officers are to be provided skill development training within one year of promotion, whenever possible.

1. Such training should be directed toward assisting the officer in the position to which he or she has been assigned.

33.8.3 Career Development Program

A. Career Development Practices and Procedures

1. **The primary objective of the career development program is to encourage the improvement of personal skills, knowledge, and abilities of all sworn personnel to successfully meet department tasks.**

2. **Participation in the career development program is voluntary.**

3. **The aim of career development is to highlight specific opportunities for individual growth at all levels and to improve overall job satisfaction and performance. The career development program furthers professional growth and capabilities of officers in both their present and future roles within the department.**

4. **The principal components of the career development program are:**

    a. **Career counseling in conjunction with the performance evaluation system.**

    b. **Career enhancement including selection to receive opportunities for increased responsibility and growth.**

    c. **In-service training includes mandated as well as enhanced skill, knowledge, abilities (KSA) training in law enforcement skill areas.**

5. **The career development plan has been developed through utilization of a Career Development Questionnaire composed of all staff members.**

6. **The Training Committee will have authority and responsibility of the overall administration of the career development program.**

B. Career Development Program Objectives

Objectives of the career development program include:

1. **Provide opportunity for all officers to develop their careers.**

2. **Ensure that all officers complete mandated in-service training in a timely manner, preferably through utilization of training opportunities which will enhance career growth.**

3. **Provide career developmental counseling and guidance to each officer in conjunction with the performance evaluation process.**

4. **Provide officers who possess certification in a particular skill area, e.g., radar operation, instructor, etc., with opportunities to renew their certification and/or increase their skills.**

5. **Provide officers who possess law enforcement skill with opportunities to continue their growth and improve their skills in that area.**

33.8.4 Educational Incentives

In keeping with the City's policy of encouraging the professional improvement of the police personnel, the City shall provide an Educational Incentive Plan (E.I.P.) for sworn police officers above the probationary grade. Each permanently appointed police officer shall receive in addition to his authorized pay range classification, in accordance with the following rules, regulations and schedule, an amount as set forth below, per contract:

The agency's commitment to higher education will be established through one or more of the following:

a. **A requirement of all candidates for full-time sworn positions to possess at a minimum a bachelor's degree, or**

b. **Career advancement or compensation incentives for post-secondary educational attainments, or**

c. **Education reimbursement for post-secondary education expenses incurred by sworn members of the agency, or**

d. **Bachelor's degree or higher educational requirements for defined sworn positions/ranks within the agency.**

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34.1.1 Agency Role

A. The department depends upon the City of Troy Civil Service Commission to schedule and administer promotional examinations for sworn personnel when an opening exists for such promotion.

1. The Civil Service Commission is the agency with the sole authority to conduct such examinations, doing so by the authority granted by the State of Ohio as applies to our form of municipal government.

B. The department attempts to convey to the Civil Service Commission the needs, processes, requirements and procedures desirable for equitable and meaningful promotional examinations. The department, through liaison and communication with the Civil Service Commissions, tries to insure that the examinations are relevant to the needs of this department and this community, that such examinations are conducted in a timely manner, and are so constructed and administered as to be fair and unbiased to all persons eligible to take such examinations.

1. Some matters involving the promotional process are stipulated in bargaining agreements between the City and the various bargaining units.

2. The department has an abiding interest in the promotional process in order to select as nearly as possible the best person available to fill the sworn position. Such selection significantly affects the quality of service delivered to the City, and the morale of the persons employed by the department. The department administrators, being aware of the supervisory needs and qualifications required, should have a significant role in developing the measurement instruments and processes used to determine the skills, knowledge and abilities of those seeking promotion.

34.1.2 Authority and Responsibility

A. The Chief of Police is assigned the authority and responsibility to maintain a liaison with the Civil Service Commission to assist them in developing and selecting the measurement and testing instruments used in determining the skills, knowledge and abilities of those persons seeking promotion to a particular sworn position.

1. The Chief of Police shall confer with local area law enforcement officials, criminal justice officials and the supervisory staff of the Troy Police Department, for input regarding the needs, qualifications and requirements of the promotional position being tested for. The results and conclusions reached shall be forwarded to the Civil Service Commission along with such recommendations which are appropriate for the current promotional examination.

34.1.3 Promotional Process Described

A. Evaluating the promotional potential of candidates

1. The promotional potential of sworn candidates, as governed by the Civil Service process is only subject to the following:

a. The evaluation of whether or not the potential candidate has served the required amount of time in the next lower grade prior to the scheduled examination in order to be eligible to take the exam

b. Amount of points that may be added for seniority service

2. The Civil Service Commission and the bargaining agreements with the City make adjustments for other factors desirable in persons being promoted to supervisory positions by the use of assessment centers

B. Administering written tests

1. Written tests are one instrument that the Civil Service Commission uses to determine who is promoted. They are administered by, or at the direction of, the Commission, and the Department does not participate in the administration of the tests.

a. Such tests are administered when and where the Commission chooses to administer them.

C. Use of assessment centers

1. Assessment centers will be utilized as part of the promotional process. The guidelines governing the use of the assessment centers are stipulated in the bargaining agreements.

D. N/A by function

E. Employees are permitted to review and appeal adverse decisions concerning their eligibility for appointment to promotional vacancies. The Civil Service Commission should be contacted concerning the following:

1. Review of the answer key to written examinations, if any

2. **Review of the written results of scored elements of the selection process**

    a. **A candidate will be able to review his/her own exam or written results and the scored answer sheet but not the sheets of other candidates.**

    b. **Dissatisfied candidates can file an appeal with the Civil Service Commission or institute the grievance procedures as outlined in the City of Troy Personnel Manual or the appropriate bargaining agreement.**

F. **There are no restrictions for reapplication, retesting, and/or reevaluation on the next occasion a test is administered.**

G. **N/A by Function**

H. **The Troy Civil Service Commission will have the full responsibility to insure that all testing material will be secure from being accessed by unauthorized personnel prior to and during the testing time period.**

34.1.4 Job Relatedness

A. The written tests contain questions related to law enforcement and all eligible sworn personnel may take the exam. The assessment center is designed to be job related and nondiscriminatory.

B. The assessment center is designed to be job related and non-discriminatory and is based upon displayed behavior identified as essential to the position in a job task analysis.

34.1.5 Promotional Announcement

A. When vacancies exist and a decision to fill the sworn position(s) is made, a written announcement will be posted so all affected employees will be aware of the promotional exam(s). The announcement will include:

1. **A description of the positions or job classifications for which sworn vacancies exist**
2. **A schedule of dates, times and locations of all elements of the process**
3. **A description of eligibility requirements**
4. **A description of the process to be used in selecting sworn personnel for the vacancies**

B. The description of the promotional process will be as detailed as necessary to indicate clearly what is to be expected.

34.1.6 Eligibility Lists

A. The relative value of each part of the examinations will be determined by the Civil Service Commission.

B. The system of ranking eligible sworn employees on the lists

1. Civil Service law requires that eligible sworn employees are ranked on the eligibility list in the order of highest passing score attained to lowest passing score attained.

C. Time-in-grade or time-in-rank eligibility requirements

1. Officers must have spent a minimum of 12 months in the next lower grade or rank in order to be eligible for promotional examinations.

2. Only First-Class officers will be eligible for the promotion to Sergeant.

D. The duration of the lists

1. Duration of eligibility lists are set at 2 years by the Ohio Revised Code, Section 124.44.

E. The system for selecting names from the list

1. Names are selected for certification for promotional appointment in the order of rating attained, with the name of the person attaining the highest rating being certified first, and the name of the person attaining the next highest rating certified next for the next available vacancy in the rank, and so on.

34.1.7 Promotional Probation

A. The probationary period for personnel newly promoted to a sworn position is set at 12 months. This is set forth in Section 124.44 of the Ohio Revised Code.

35.1.1 Performance Evaluation System

A. Measurement definitions

1. **The performance evaluation form has a listing of 5 categories without management responsibilities and 6 with management responsibilities, the categories are divided into 5, one-point increments. The rater indicates the performance of the employee within a category by selecting and marking a number. The highest possible score is 5. The 5 increments offer the rater sufficient latitude to allow for a reasonable grading of employee performance and significant latitude to demonstrate and record improvement or regression in a particular category. Each category is then multiplied by a given number for employees, with or without management skills, for a weighted score.**

2. **The measurement capability permits comparisons of employees who perform like tasks.**

3. **The measurement capability provides a means for supervisors and individual employees to track the progress of an employee and provides a means to measure the progress.**

B. Procedures for use of forms

1. **Upon receipt of the forms, the rater should familiarize him or herself with the Personnel Procedure Memo Performance Evaluation as issued by the Troy Civil Service Commission and review this General Order.**

2. **The rater is to then consider each category and trait independently and select and mark the number felt to most accurately portray the employees performance in that category or trait. A space on the form is provided so that the rater may place comments on the form to elaborate upon or clarify a rating.**

3. **Three copies of the completed form are to be prepared as one each goes to the employee, to Civil Service and the employee's personnel file.**

C. Rater responsibilities

1. **The rater is responsible for rating his or her immediate subordinates. The rating is to be done as fairly and impartially as is possible.**

2. **The rater is to present the performance evaluation privately to each rated subordinate and is to conduct a performance interview with the employee. The employee is to be presented with a copy of the evaluation and is to sign 2 of the copies. Employee signature merely acknowledges receipt and review of the evaluation. One copy is for the Civil Service Commission and the other for the Chief of Police to place in the employee's personnel file.**

    a. **There is a space on the employee evaluation forms for comments by the rated employee.**

3. **The rater is responsible for completing the evaluation process within the time parameters proscribed by the Chief of Police.**

D. Rater training

1. **Raters will receive training in the evaluation process. All raters will be explained the process prior to performing the evaluation activity.**

35.1.2 Annual Evaluation

A. Employees of the police department are to be evaluated annually as required by the Civil Service Commission.

B. The evaluation of each employee's performance is to be documented by recording the evaluation on the appropriate forms. The forms are then to be appropriately filed.

1. An employee is to be provided with a copy of documented performance evaluation.

35.1.3 Quarterly Evaluation of Probationary Employees

A. A written performance evaluation shall be prepared at least quarterly for all probationary employees. This applies to initial appointment or hiring and to promotional probationary periods.

1. **The probationary employee's section head is to do the evaluation or cause it to be done by the employee's immediate supervisor. The evaluation is to be forwarded to the chief of police for review pending filing and/or forwarding to the Civil Service Commission.**

2. **The quarterly evaluation assists in determining the employee's suitability for continued employment or continuance in the position to which they were promoted.**

3. **The exceptions to doing a quarterly report are when the employee is in a training academy or in the FTO program during this time.**

35.1.4 Evaluation Criteria

A. The employee shall be rated for performance in the position held during the rating period.

B. Tasks of the position, as set forth in the job description, shall form the basis for the description of what work is to be performed.

C. Criteria used to define the quality of work shall be descriptive, measurable, and should allow a characterization regarding how the work is performed.

35.1.5 Evaluation Period

A. The evaluation of an employee's performance is to cover a specific time period. The period that the rating covers is to be indicated on the performance evaluation sheet.

B. Whenever an employee receives ratings in the lowest or highest ranges in a category, the rater is to justify and substantiate those ratings through narrative comments on the evaluation form. If there is not sufficient room in the comment areas provided, an addendum is to be prepared and attached to the rating form.

C. Required performance evaluations are to be reviewed and signed by the rater's supervisor.

D. Following presentation and review of the performance evaluation, the employee is to sign the form to acknowledge that the employee has read the evaluation.

1. An area for employee comments is present on the evaluation form and may be used by the employee if desired.

E. Each rated employee is to be provided with a copy of the completed evaluation form.

F. If, after having met with his or her rater, an employee wishes to contest all or part of his or her evaluation, the employee may file an appeal. The request for such appeal is to be made within five working days of having received the evaluation. The appeal is to be in writing to the chief of police, who must hear the appeal. The employee may file an appeal with the Service and Safety Director, only after the Chief of Police has heard it.

G. A copy of employee performance evaluations are to be retained in file by the department indefinitely.

35.1.6 Unsatisfactory Performance

A. Whenever a non-probationary employee's performance is deemed to be unsatisfactory, the employee is to be advised in writing of such unsatisfactory performance at least 90 days prior to the end of the reporting period.

1. Supervisors should be prepared to substantiate the unsatisfactory performance and to define actions or conduct which the employee should take to improve or eliminate it.

35.1.7 Employee Counseling

A. Each employee will be counseled at the conclusion of the rating period to include the following areas:

1. **Results of the performance evaluation just completed**
2. **Level of performance expected, rating criteria or goals for the new reporting period**
3. **Career counseling relative to such topics as advancement, specialization, or training appropriate for the employee's position.**

35.1.8 Rater Evaluation

A. Section heads should evaluate the supervisor's rating of their employees to ensure that all ratings were done in a fair and uniform manner.

35.1.9 Personnel Early Warning System

The Troy Police Department provides its employees with opportunities to enhance their professional skills, knowledge and abilities. The Personnel Early Warning System was developed to aid in that effort.

A. The Personnel Early Warning System (PEWS) is a systematic method of reviewing specific, significant events involving members of the department and assists in recognizing problems they are having on the job. It is designed to enhance employee accountability while helping employees improve their performance while also assisting supervisors in identifying employees whose behavior appears to be problematic and are in need of some assistance, counseling, training or some other form of intervention to correct that behavior.

1. **The structure of the PEWS is based on the supervisor's ability to recognize the early signs of problematic behavior and respond with the correct course of action, be it counseling or training prior to any disciplinary action, when possible.**

2. **Supervisors shall initiate a PEWS review when an employee is involved in two (2) incidents of any of the following selection criteria within a three-month period:**

    a. **Citizen complaint**

    b. **Use-of-force report**

    c. **Resisting arrest charge**

    d. **Civil litigation involvement**

    e. **Performance evaluation**

    f. **Disciplinary actions**

    g. **Excessive sick leave usage**

    h. **Supervisor's discretion (i.e. when they have knowledge of an employee going through a stressful situation that may require assistance)**

    i. **Employee's request**

3. **Documented annually, the Patrol Captain will prepare a PEWS report. This report will be forwarded to the Chief of Police and contain a brief profile of the types of complaints obtained from PEWS reviews showing the nature of the review and disposition.**

4. **Supervisors conducting the review should be recognized as having the most critical role in the early intervention of problem employees. Any employee who meets the above criteria shall be counseled by their supervisor to determine what actions are necessary to improve performance, such as referral to the Employee Assistance Program (EAP) or a similar type of program. A written recommendation outlining their observations shall be forwarded to the appropriate section head for their review. The section head may at his/her discretion suggest alternate methods of intervention.**

5. **All records documenting intervention efforts and their review shall be maintained in the strictest of confidence. They shall not be discussed with other employees unless it is necessary for the completion of the review.**

41.1.1 Shift/Beat Assignment

A. This department maintains 24 hour coverage with shift change procedures that provide for continuous patrol coverage. We accomplish this by requiring all oncoming patrol officers to report for work one half-hour prior to the other shift going off-duty. The oncoming shift will spend one half-hour in shift briefings then begin patrolling when the other shift goes off-duty.

B. The Chief of Police has exclusive control for assigning police officers to patrol shifts, under such general rules and regulations as the director of public safety prescribes (Ohio Revised Code, Section 737.06).

1. **Officers may request transfer or assignment to a particular patrol shift. The Chief of Police will give consideration to such requests.**

2. **In order to establish a relevant system of patrol beats, it is necessary that the department have an adequate number of officers consistently available for assignment to the established beats.**

3. **Studies relating to volume of crime, type of crime, frequency of crime, time of day, crime patterns and locations of crime must be analyzed. Following analysis, a determination may be made as to whether the establishment of set beats would improve the police service being rendered, as opposed to the current patrol procedures.**

C. Shift Rotation

1. **The Patrol Section is comprised of three permanent shifts with an afternoon and evening cover Sergeant in addition to the permanently assigned Sergeants.**

    a. **Shifts are dayshift (0630 -1500 hrs.), afternoon cover (1000 – 1830 hrs.), afternoon shift (1430 - 2300 hrs.), evening cover (1830 – 0300 hrs.) and midnight shift (2230 – 0700 hrs.)**

    b. **All officers will bid on the shift of choice by seniority in October of each year.**

    c. **Shift assignments and daily work schedules will be prepared and posted.**

d. All newly hired probationary status officers will be assigned to a shift based on need by the Patrol Captain until the new bid period is reached.

D. Service areas will be established if the Chief of Police deems it to be advantageous.

E. The frequency of service area rotations will be established by the Chief of Police when it is determined that they are required or will enhance the services offered by the department.

F. Days off for patrol officers and their first line supervisors have been determined and set by the Chief of Police in accordance with the regulations set forth by the Director of Public Service and Safety. These officers shall work 6 days on then 3 days off. This sequence continues repeating and days off for officers on each shift shall be staggered to provide optimum coverage each day.

41.1.2 Shift Briefing

A. Procedures for shift briefing

1. Shift briefings will accomplish, at a minimum, four 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 directives or changes in directives

d. Evaluating officer readiness to assume patrol

2. Shift briefing training may include a wide variety of techniques, including, but not limited to, lecture, videotapes, written documents, audio tapes, and discussions

a. The memo board will document acknowledgement by the officer initialing and dating the log.

B. Shift briefings will be held one half-hour prior to the beginning of each shift.

41.1.3 Special-Purpose Vehicles

A. The Chevy Equinox

1. **The Chevy Equinox for the primary purpose of facilitating the enforcement of parking regulations and is to be operated by the parking control officer unless, while absent, a regular officer is assigned those duties, in which event the regular officer may be assigned to use the 3-wheeled scooter**

2. **The Chief of Police or other supervisor may authorize its use for other than its basic purpose in a special or emergency situation.**

3. **The person(s) responsible for the condition and maintenance are the parking control officer and the Administrative Captain.**

4. **This vehicle is equipped with flashing lights.**

5. **All sworn personnel are authorized to operate the vehicle, however, it is primarily to be used and operated by the parking control officer.**

B. Bicycle patrol

1. **Objectives**

   a. **To increase officer visibility and personal contact with the public**

   b. **To handle special problems and events more effectively**

   c. **To reduce crime and other violations of the law**

   d. **To better patrol areas that are inaccessible to officers in cruisers**

2. **Authorization, conditions and limitations of usage**

   a. **Officers assigned to the night cover shift will be assigned to the bicycles beginning in the late spring and ending in the late fall, depending on the weather conditions. Others officers may be assigned to the bike patrol for special events and targeted patrols as directed by the Patrol Captain or Chief of Police.**

   b. **Officers on bicycle patrol must wear the authorized helmet when in uniform.**

c. **Officers will wear the authorized uniform unless special permission has been granted by the Chief of Police or a captain.**

d. **The bicycle patrol area is designated by the Patrol Captain based on need.**

e. **The bicycle patrol will not be used under adverse weather conditions, unless authorized by the Chief of Police or a captain.**

3. **Qualifications and training for personnel assigned to bicycle patrol**

   a. **Must have completed the Department's FTO program and completed first year probation**

   b. **Must demonstrate ability to ride a bicycle**

4. **Condition and maintenance of bicycles**

   a. **The Patrol Captain will be responsible for the condition, care and maintenance of the bicycles and related equipment**

   b. **Officers should notify the Patrol Captain of any defects found in the bicycles or related equipment.**

5. **Bicycle equipment**

   a. **Front and rear lights**

   b. **Cargo bag and rack**

   c. **Sound device**

   d. **Set of handcuffs**

   e. **Supply of reports**

   f. **Supply of summons and traffic citations**

   g. **Water bottle cage**

6. **Persons and positions authorized to operate departmental bicycles**

   a. **Any officer of this Department regardless of rank or section assignment**

7. **Uniform**
    a. **Headgear - The bicycle helmet will be ANSI and/or SNELL rated and must be approved by the Chief of Police.**

    b. **The uniform and equipment worn by the bicycle patrol officers must be approved by the Chief of Police.**

C. Sports Utility Vehicles (SUV)

1. **The Troy Police Department current has a number of SUV's in its vehicle fleet.**

    a. **The primary use of the SUV's is during inclement weather or any other condition that are deemed necessary.**

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41.1.4 Agency Animals

N/A By Function

41.2.1 Responding Procedures

A. Officers responding to routine calls for service shall generally proceed to the location of the call without undue detour or delay. Officers shall obey all traffic laws en route to the call and, unless diverted by necessity, should proceed directly to the call location.

1. If an officer observes an obvious or flagrant violation while en route to the location of a routine call, the officer may, depending upon the nature of the call to which he or she is responding, interrupt the response to the call while attending to the violator or may request dispatch to send another officer to the call so that he or she may attend to the violation witnessed.

B. If the call is of an urgent or immediate nature, the officer shall respond without delay directly to the location of the call. The officer may drive at the maximum legal speed for conditions so that he/she arrives as quickly as possible. Unless the officer witnesses a felony or is directed to do otherwise, the officer shall proceed uninterruptedly to the call.

1. Examples of urgent or immediate response calls may be:

a. A call where violence has not occurred but the potential exists

b. A non-injury accident on a heavily traveled street

c. An accident reported as a minor injury accident

d. Alarm drops

1. In the case of an alarm drop at a financial institution within our jurisdiction (i.e. bank, credit union, check cashing business, etc.), officers will be instructed to follow the Troy Police Department Financial Institution Robbery Alarm Response Policy.

e. Assist fire department.

C. Officers responding to an emergency call shall respond immediately with flashing emergency lights and audible siren in operation.

1. **See ORC Sections 2744.01A, 4511.03, 4511.24 and Chapter 41.2.2 of this manual for statutory authorization, operating practices and other relevant information.**

2. **Calls or circumstances for which an emergency run is appropriate**

    a. **Officer down or officer needs assistance**

    b. **Felony in progress**

    c. **Dangerous felon fleeing**

    d. **Accident with injury other than minor injury**

    e. **Assault in progress**

    f. **Fire, explosion or other serious incident where death or serious physical harm to persons is imminent or potentially so**

    g. **Any other exceptional circumstance deemed to require emergency response.**

3. **Dispatch, upon receiving a call, shall evaluate the information to determine if it fits the criteria for an emergency run and, if so, supply the responding officer with sufficient information so that the officer can then decide what response procedure to employ.**

    a. **Whether or not to respond in an emergency run configuration is to be upon the best judgment of the responding officer.**

D. Emergency run practices

1. **Officers initiating emergency runs shall notify dispatch immediately of their location, destination (if known) and reason for the run.**

2. **Immediately upon initiation of an emergency run the officer shall activate the flashing emergency lights and siren and both shall remain in operation continuously throughout the emergency run.**

3. **Emergency runs shall not be conducted with civilians or prisoners in the vehicle.**

4. **Emergency vehicles responding to a call with lights and sirens operating should not caravan or be in close proximity to one another.**

41.2.2 Pursuit of Motor Vehicles

POLICY

Officers may pursue criminal violators who fail to stop upon receiving proper notice. This policy is not intended to avoid that responsibility; rather, the intent is to make apprehension within the limits of safety. Good judgment and common sense must be used in every vehicle pursuit engaged in by members of this department, keeping in mind it is of the utmost importance that the pursuit not unduly endangers the officer or others. Officers will never be indifferent to the safety of the public and every endeavor should be made to keep the hazards of the situation to a minimum. A pursuit is only justified when the necessity of apprehension outweighs the level of danger created by the pursuit.

PURSUIT DEFINED

An attempt by an officer to apprehend the operator of a motor vehicle when, after a visual or audible signal is given by the officer to stop, the operator fails to obey that direction and either increases the vehicle speed or makes some other overt action to avoid apprehension.

PURSUITS PROHIBITED

Motor vehicle pursuits are PROHIBITED unless <u>both</u> of the following conditions exist:

1. **There is probable cause to believe that the person(s) to be pursued is committing or has committed an offense which presents a risk of serious physical harm or death.**

2. **There is an immediate need for apprehension.**

LEGAL CONSIDERATIONS

Section 4511.24 of the Ohio Revised Code (ORC) states that the prima facie speed limitations set forth in Section 4511.21 of the ORC do not apply to emergency or public safety vehicles when they are responding to emergency calls and are equipped with and displaying at least one flashing, rotating or oscillating light visible under normal atmospheric conditions from a distance of 500 feet to the front of the vehicle and when the driver thereof sounds audible signals by bell, siren or exhaust whistle. THIS SECTION DOES NOT RELIEVE THE DRIVER OF AN EMERGENCY VEHICLE OR PUBLIC SAFETY VEHICLE FROM THE DUTY TO DRIVE WITH DUE REGARD FOR THE SAFETY OF ALL PERSONS USING THE STREET OR HIGHWAY.

Section 4511.03 of the ORC states that the driver of any emergency or public safety vehicle, when responding to an emergency call, upon approaching a red or stop signal or any stop sign shall slow down as necessary for safety and traffic, but may proceed CAUTIOUSLY past such red light or stop sign or signal with due regard for the safety of all persons using the street or highway.

Section 2744.01 of the ORC defines "emergency calls" as a call to duty including, but not limited to, communications from citizens, police dispatches and personal observations by police officers of inherently dangerous situations that demand an immediate response on the part of the peace officer.

Sections 4511.45 and 4511.452 of the ORC deal with other drivers and pedestrians and their responsibility to clear intersections, pull over and yield to emergency vehicles, etc.

A. An officer initiating or conducting a pursuit should constantly evaluate the circumstances to determine whether the pursuit should take place or, if taking place, whether it should continue. Potential for liability is always present when a pursuit occurs or fails to occur. Prior to initiating a pursuit or during the course of a pursuit, the following are to be considered:

1. **Does the seriousness of the crime warrant a high speed or dangerous pursuit?**
2. **What is the possibility of apprehension?**
3. **What type of roadway is involved (i.e. city street, highway or interstate, narrow or winding country road)?**
4. **Will you pass through a school zone or densely populated area?**
5. **Weather and road conditions (i.e. rain, snow, ice, construction)**
6. **Traffic conditions and/or time of day (i.e. school, factory or business starting or dismissal hours)**
7. **Condition of your vehicle**
8. **Your driving skills**
9. **Are you pursuing alone or are other officers or agencies available?**

B. Upon initiating a pursuit, the initiating officer has the following responsibilities:

1. **Immediately notify dispatch of:**

    a. **Your location**

    b. **Direction of travel and speed**

    c. **Description of fleeing vehicle and occupants**

    d. **Reason for pursuit**

2. **Immediately activate flashing, rotating, and/or oscillating emergency lights and siren and maintain them in continuous operation throughout the pursuit.**

3. **Maintain periodic communication**

    a. **Current, accurate information is vital to dispatch and assisting agencies or officers**

    b. **Use plain English in place of signals in order to reduce misunderstandings**

C. Secondary or back-up unit responsibilities

1. **Do not become involved unless specifically requested or instructed to do so.**

2. **Pursuit should not involve more than two caravanning police vehicles unless so ordered by a supervisor or OIC.**

3. **When assisting in a pursuit, stay well back in order to avoid a multiple collision with other officers, violators or others.**

4. **Upon termination of pursuit, return to normal or prior duty unless otherwise directed by a supervisor.**

D. Police vehicle involvement in the pursuit

1. **Pursuits are to be conducted only in police vehicles equipped with flashing, rotating, and/or oscillating emergency lights and siren.**

E. Dispatcher responsibilities

1. **Notify other officers and other agencies that a pursuit is in progress, including pertinent information such as reason for pursuit, direction of travel, description of vehicle and occupants.**

2. **Record preliminary, vital information**

3. **Initiate radio discipline to minimize unnecessary traffic until pursuit is resolved.**

4. **Notify a supervisor or OIC of the pursuit in progress**

F. Supervisor responsibilities

1. **Unless the supervisor is the primary pursuing officer, the supervisor should assume a position which allows direction and control of the pursuit.**

2. **Considerations should be:**

    a. **Officer, violator and citizen safety**

    b. **Tactics to stop the fleeing violator**

    c. **Coordination of those involved in the pursuit**

3. **A supervisor, or the primary pursuing officer, should never hesitate to terminate a pursuit if conditions warrant.**

    a. **If the supervisor or primary pursuing officer develops serious doubts concerning the wisdom and propriety of continuing the pursuit, the decision should be in favor of terminating the pursuit.**

    b. **In some situations, the best solution may be to abandon the pursuit, especially if heavy traffic or congested areas are involved. By abandoning the chase, the perpetrator has an opportunity to slow down and perhaps abandon the vehicle.**

G. Pursuit is to be terminated

1. **When the risks to safety of the officers and others outweigh the danger to the community if the suspect is not immediately apprehended**

2. **When so ordered by a supervisor having jurisdiction**

3. **If sufficient information exists to identify and locate the violator at a later time**

4. **When a pursued suspect enters an area that the officer is unfamiliar with or upon entering another major jurisdiction**

5. **When terminating a pursuit, the officer(s) involved will do so by an overt act (i.e. stopping completely, turning-off, U-turn, etc.) so the pursued suspect can visually determine that the officer(s) are no longer in pursuit.**

H. Inter- and intra-jurisdictional pursuits

1. **Our department should remain in control of a pursuit unless it enters a different jurisdiction. In which case, the pursuit should be turned over to that agency having the authority and jurisdiction, when they are in a position to assume the pursuit.**

2. **If an officer decides to, or is ordered to, terminate or abandon a pursuit, and an officer of another jurisdiction elects to continue the pursuit, the officer from that jurisdiction assumes all liability and responsibility for continuing the pursuit.**

    a. **If the pursuing officer from the other jurisdiction requests that you assist in the continuing pursuit, you are to advise the officer that you cannot continue in a pursuit mode; however, you will assist as best you can.**

3. **When entering another state in pursuit of a violator, control and pursuit should be turned over to the first officer encountered having jurisdiction.**

    a. **If you make an arrest in another state, the violator is to be turned over to an officer of that state having jurisdiction as soon as is practicable.**

4. **If a pursuit comes into our jurisdiction from an outside agency, we should honor requests for assistance from the pursuing agency within the limits of our policy.**

5. **Statutes which may be relevant**

    a. **2935.13 ORC - Proceedings upon arrest**

    b. **2935.14 ORC - Rights of arrested person**

    c. **2335.03D ORC - Pursuit, warrantless arrest**

    d. **2935.29 ORC - Fresh pursuit**

    e. **2935.30 ORC - Authority of foreign police**

    f. **2935.31 ORC - Hearing before magistrate in county of arrest**

    g. **2963 ORC, et al. - Fugitives from this state, fugitives from another state, extradition, etc.**

I. Critique of pursuit

1. **If an officer from this department is involved in a pursuit, the officer's supervisor is required to complete a supplemental pursuit review report outlining the pursuit and all relevant information. This will be reviewed by the section head and forwarded to the Chief of Police.**

2. **The pursuit review report should be a check-off form that provides an overall review of the pursuit with an area to attach the officer(s) written report narrative(s).**

J. Analysis of vehicle pursuits

1. **An annual, documented analysis of incidents that involve vehicle pursuits will be conducted to reveal problems and trends that indicate training needs and/or policy modifications or reporting procedures. Corrections will be made as needed.**

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41.2.3 Roadblocks and Forcible Stops

A. Circumstances for use of roadblocks and forcible stops

1. **A roadblock should only be used in the most extreme of circumstances in conjunction with the Stop Sticks to prevent death or serious injury to officers or others.**

2. **Forcible stopping where ramming or deliberate contact is made with a fleeing vehicle should occur only under the most critical of circumstances.**

3. **The use of the Stop Sticks is the preferred course of action to safely end pursuits. The Stop Sticks are to be used as soon as possible after pursuit of a vehicle has begun or when instructed to do so by a supervisor.**

B. Procedures for implementation

1. **Roadblocks and other forcible stopping**

   a. **Roadblocks should be set up in an area which provides for a safe stopping distance prior to contact with it. They should never be set up around a blind curve or over a hill. They should be designed to allow an open path through the restricted area which would require slow speed to negotiate.**

   b. **If suitable devices, such as construction barricades, cones and the Stop Sticks are not available, unoccupied police vehicles with emergency lights in operation may be used. Under no circumstances should occupied or private vehicles be used.**

   c. **Forcible stopping where ramming or deliberate contact is made with a fleeing vehicle should occur only under the most critical of circumstances. It should be undertaken only if necessary to protect the interests and safety of the public.**

   d. **Officers shall not discharge a firearm at or from a moving vehicle, except in the direst of circumstances. Officers shall conform to departmental use of force policy, as found in section 1.3.**

2. **Stop Sticks**

    a. **Unoccupied cruisers, cones, flares, etc. should be so deployed as to direct the suspect vehicle towards the Stop Sticks which will be strategically placed at an angle across the roadway. Care should be taken so no uninvolved vehicles cross over the Stop Sticks.**

    b. **Notification should be given to pursuing units that the Stop Sticks are being employed.**

    c. **Stop Sticks are not to be used to stop a motorcycle.**

C. Training required for agency-authorized roadblocks and forcible stops

1. **Officers receive training in roadblocks and in the Stop Sticks as part of the field training officer (FTO) program.**

D. Supervisory responsibility

1. **Roadblocks should only be employed upon authorization by a supervisor of the pursuing agency or a supervisor of the agency to whom control of the pursuit has been given.**

E. Critique of roadblock or forcible stop

1. **If an officer from this department is involved in a roadblock or using the Stop Sticks as part of a vehicle pursuit, the officer's supervisor is required to complete a supplemental pursuit review report outlining the pursuit and all relevant information. This will be reviewed by the section head and forwarded to the Chief of Police.**

2. **The pursuit review report should be a check-off form that provides an overall review of the pursuit with an area to attach the officer's written report narrative.**

41.2.4 Notification Procedures

A. The street units will be responding to most emergency situations with a limited amount of knowledge about the situation. As the first responding unit arrives on the scene of any call, the officer will assess if the following are needed and will make necessary notifications: additional street units; supervisors; the Troy Fire Department including paramedics, coroner or coroner investigators; street department personnel and equipment; utilities department (power, telephone, water, etc.); on-call detective; and other companies or personnel as needed. Both 911 dispatchers and the department's desk person can be used to accomplish contacting the appropriate department.

41.2.5 Missing Persons

A. Initial description and information is to be gathered by dispatch and verified by the investigating officer(s)

B. The information gathered by dispatch and the investigating officer(s) shall be disseminated to appropriate officers and agencies. This can be accomplished by radio, telephone, MDB or other means. Information is required to perform a search for the missing person.

C. The appropriate information shall be entered into LEADS/NCIC, following the rules and policies set forth by LEADS/NCIC. Once entered, a copy of the report will be placed in the confirmation file. After the missing person is located, the person will immediately be removed from LEADS or other systems which the information was entered and the associated report will be removed from the confirmation file.

D. Follow-up contact will be made with the reporting person periodically to check if the person has returned or if there is additional information concerning the missing person.

E. All cases concerning missing persons will be followed-up. The extent of the follow-up will depend upon the solvability factors of the case. Follow-up searches may be performed when adequate information is gathered.

F. Critically missing or at-risk persons

1. Special consideration should be given to persons of special needs (i.e., mentally challenged, elderly, medical conditions, etc.) and their inability to communicate and function properly. When an officer encounters a missing person of this nature, the officer's supervisor should be contacted immediately and all necessary resources should be used to locate the subject.

41.2.6 Missing Children

A. It is the policy of this department that the disappearance of a child or the appearance of an unidentified child is an investigative priority and that the response to all reports of missing children be in a manner that holds the greatest chance for the safe return of the child and for the apprehension of the alleged abductor(s)

1. Definitions

a. MISSING CHILD is any person under the age of 18 years who is lost, the victim of a family or non-family abduction, or is an apparent runaway. See Section 2901.30 of the Ohio Revised Code for definitions and required law enforcement actions and computer entries relating to missing children.

(1) LOST child is one who becomes separated from parents or caregivers under circumstance not indicating the likelihood of an abduction or voluntary absence.

(2) (2) FAMILY ABDUCTION is an abduction in which a non-custodial family member takes custody of a child by force or other means without permission.

(3) NON-FAMILY ABDUCTION is an abduction in which a child is taken by an unknown individual through force or other means.

(4) RUNAWAY is a child, most often a teenager, who voluntarily leaves the custody of parents or caregivers

b. UNIDENTIFIED CHILD is a person appearing to be under the age of 18 years who has been located and is unable to be identified due to a lack of proper supervision, age, physical or mental conditions, being a victim of a crime, and other factors and may be later reported as a missing juvenile by a parent or other caregiver.

B. Criteria for supervisory notification

1. **Once an officer confirms a report of a missing child and if it is determined that unusual circumstances are involved in the report of a missing child, the child will be considered at risk, the officer shall immediately notify the supervisor on duty.**

    a. **After reviewing the known facts and circumstances of the case, the supervisor is to determine if a detective is to be notified or if other additional personnel or efforts are to be employed to locate the missing child.**

C. Notification of appropriate inter- and intra-agency coordination

1. **The information gathered by dispatch and the investigating officer(s) shall be disseminated to appropriate officers and agencies. This can be accomplished by radio, telephone, MDB or other means. Information is required to perform a search for the missing person.**

D. AMBER Alert system or other public notification

1. **The AMBER Alert plan (America's Missing: Broadcast Emergency Response) is a voluntary partnership between law enforcement agencies and broadcasters to activate an urgent bulletin in the most serious child-abduction cases. The goal of the AMBER Alert is to instantly galvanize the entire community to assist in the search for and safe return of the child.**

2. **In accordance with the Ohio Revised Code Section 5502.52, the AMBER Alert plan shall not be activated unless all of these criteria are met:**

    (1) The local investigating law enforcement agency confirms that an abduction has occurred.

    (2) An abducted child is under eighteen years of age.

    (3) The abduction poses a credible threat of immediate danger of serious bodily harm or death to a child.

    (4) A law enforcement agency determines that 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.

(5) There is sufficient descriptive information about the child, the abductor, and the circumstances surrounding the abduction to indicate that activation of the alert will help locate the child.

3. The Miami County Dispatch Center is responsible for activating the AMBER Alert plan on behalf of this agency, when necessary.

E. Responsibilities of call takers, first responders, supervisors, and investigators

1. Anytime a call is received that a child is or may be missing or an unidentified child has been located, an officer shall be assigned to investigate.

2. Initial description and information is to be gathered by dispatch and verified by the investigating officer(s).

3. The initial investigating officer is to take prompt action including, but not limited to, concentrated efforts to locate a missing child.

a. The officer should attempt to obtain a recent photograph of the missing child, along with all other readily available, pertinent information. This should be disseminated to fellow officers and others as soon as possible.

4. Section 2901.30 of the ORC requires that information relating to a missing child be entered into LEADS/NCIC immediately following the making of the report. Officers shall forward a copy of the report to the Miami County Communication Center for entry.

5. An officer who is assigned to the report of an unidentified child is responsible for completion of the following tasks, among other responsibilities:

a. The officer will utilize available resources to identify the child. If the parents, relatives, or guardians cannot be located in a timely manner, the officer will contact the on-call children's services caseworker. The officer may also use the following resources to identify the child:

(1) National Center for Missing and Exploited Children

(2) Ohio Missing Children Clearinghouse

b. If the situation dictates that an incident report be taken, then the following will be done:

(1) Obtain a complete description of the child

(2) If necessary, the unidentified child's description may be entered into the NCIC Unidentified Person File

(3) If necessary, contact the on-call detective

(4) Once identification has been made, cancel all notifications.

F. Follow-up responsibilities

1. All missing juvenile complaints shall be referred to the patrol section for follow-up investigation unless circumstances require a lengthy investigation or require particular expertise.

a. In the event that a lengthy investigation is evident, that particular expertise such as evidence gathering is needed or if sufficient patrol manpower is unavailable to perform a continuing investigation, a detective, evidence technician or juvenile officer is to be summoned to assist or to assume the follow up investigation.

2. If the missing child has been found or has returned, it will be up to the patrol commander to review the investigation and insure that all procedures have been followed and that all LEADS/NCIC entries have been cancelled.

3. If the missing juvenile investigation is still active, the officer assigned to the follow-up investigation shall contact the parents or guardian of the child to ascertain if the child has been found or if there is any additional information to assist in locating the child.

4. Follow-up investigators shall make every effort to locate the missing child.

a. If additional information is uncovered during the course of a missing child investigation, it shall, if appropriate under the circumstances, be integrated into the

LEADS/NCIC system. It is the responsibility of the investigating officer to enter, or cause to be entered, the additional information.

5. **If the child is missing for 30 days, the follow-up investigator shall request from the child's parents written consent to obtain dental records from the child's dentist.**

    a. **If consent is given, the dentist must release the records and the information is to be entered into the LEADS/NCIC system. Information required for entry is found in the LEADS/NCIC manual.**

6. **Whenever a missing child has been located or returned, the investigator shall make contact with the parent or guardian to determine if any further assistance is needed.**

    a. **The officer shall investigate the circumstances surrounding the child's disappearance and make a determination if a referral needs to be made to an appropriate agency.**

    b. **If a court referral is warranted, the necessary paper work will be done.**

7. **Officers should investigate to see if contributing charges are appropriate for any adults involved and, if so, court action is to be pursued.**

41.2.7 Mental Illness

The Troy Police Department recognizes there is an increasing number of a contact made with those suffering with mental illness due to the increased integration of the mentally ill into the community. It is imperative that officers properly understand and are able to recognize mentally ill persons to avoid using enforcement or detention action not consistent with the best interests of the mentally ill.

Dealing with individuals in enforcement and related contexts who are known or suspected to be mentally ill carries the potential for violence, requires an officer to make difficult judgments about the mental state and intent of the individual, and requires special police skills and abilities to effectively and legally deal with the person so as to avoid unnecessary violence and potential civil litigation. Given the unpredictable and sometimes violent nature of the mentally ill, officers should never compromise or jeopardize their safety or the safety of others when dealing with individuals displaying symptoms of mental illness. In the context of enforcement and related activities, officers shall be guided by this state's law regarding the detention of the mentally ill. Officers shall use this policy to assist them in defining whether a person's behavior is indicative of mental illness and dealing with the mentally ill in a constructive and humane manner.

It is the policy of the Troy Police Department that when employees come into contact with persons they believe suffer from mental illness, they direct their efforts to assure sensitivity to the needs and rights of the persons involved and to work cooperatively with all public and private institutions toward providing citizens with a viable and effective mental health services program.

A. Recognizing persons with mental illness

1. **MENTAL ILLNESS is any of various conditions characterized by impairment of an individual's normal cognitive, emotional, or behavioral functioning and caused by social, psychological, biochemical, genetic, or other factors, such as infection or head trauma.**

2. **Mental illness is often difficult for even the trained professional to define in a given individual. Officers are not expected to make judgments of mental or emotional disturbance but rather to recognize behavior that is potentially destructive and/or dangerous to self or others. The following are generalized signs**

and symptoms of behavior that may suggest mental illness although officers should not rule out other potential causes such as reactions to narcotics or alcohol or temporary emotional disturbances that are situationally motivated. Officers should evaluate the following and related symptomatic behavior in the total context of the situation when making judgments about an individual's mental state and need for intervention absent the commission of a crime.

a. Degree of Reactions - Mentally ill persons may show signs of strong and unrelenting fear of persons, places, or things. The fear of people or crowds, for example, may make the individual extremely reclusive or aggressive without apparent provocation.

b. Appropriateness of Behavior - An individual who demonstrates extremely inappropriate behavior for a given context may be emotionally ill. For example, a motorist who vents his/her frustration in a traffic jam by physically attacking another motorist may be emotionally unstable.

c. Extreme Rigidity or Inflexibility - Emotionally ill persons may be easily frustrated in new or unforeseen circumstances and may demonstrate inappropriate or aggressive behavior in dealing with the situation.

d. In addition to the above, a mentally ill person may exhibit one or more of the following characteristics:

(1) Abnormal memory loss related to such common facts as name, home address, (although these may be signs of other physical ailments such as injury or Alzheimer's disease)

(2) 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")

(3) Hallucinations of any of the five senses (i.e., hearing voices commanding the person to act, feeling one's skin crawl, smelling strange odors, etc.)

(4) 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

(5) Extreme fright or depression

B. Determining danger

1. 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

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 innuendos 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 officers 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 emotion 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.**

C. Dealing with the mentally ill

1. **Should the officer determine that an individual may be mentally ill, the following guidelines should be used in dealing with the person(s) during contacts on the street as well as during interviews and interrogations:**

    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. When 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. **Communicate with the individual in an attempt to determine what is bothering him. Relate your concern for his/her feelings and allow him to ventilate his/her feelings. Where possible, gather information on the subject from acquaintances or family members and/or request professional assistance if available and appropriate to assist both in communicating with and in calming the person.**

    d. **Do not threaten the individual with arrest or in any manner as this will create additional fright, stress, and potential aggression.**

    e. **Avoid topics that may agitate the person and guide the conversation towards subjects that help bring the individual back to reality.**

    f. **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.**

D. Taking custody or making referrals

1. **Based on the overall circumstances and the officer's judgment of the potential for violence, the officer may provide the individual and family members with referrals on available community mental health resources.**

    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/her own protection or the protection of others or for other reasons as specified by state law.**

2. **Ohio Revised Code 5122.10 allows a police officer to take into custody a person believed to be mentally ill and represents a substantial risk of physical harm to self or others if allowed to remain at liberty pending examination.**

    a. **The officer has the discretion to summon the shift supervisor 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. When possible, the officer should advise the Miami County Communication Center and have them contact the on duty crisis center specialists to assist in the custody and admission procedures.**

    b. **Once a decision has been made to take an individual into custody, do it as soon as possible to avoid prolonging a potentially volatile situation. Remove any dangerous weapons from the immediate area, and restrain the individual.**

        (1) **Using restraints on mentally ill persons can aggravate their aggression. Officers should be aware of this fact, but should take those measures necessary to protect their safety.**

3. **An Incident Report will be completed if the individual is taken into custody or taken for an emergency admission. 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 another agency should be reported in detail.

E. Training

1. **Entry level training - all sworn police officers undergo mandatory initial training dealing with persons of special needs, including those suffering from mental illness, in the Ohio Peace Officer Basic Training. This training is documented in their basic academy report.**

2. **Non-sworn personnel undergo similar training during their initial employee orientation. This training is documented in their training file.**

3. **Refresher training - all employees receive refresher training at least every three (3) years. This training may include policy review during roll call and in-service training programs. This training will be documented in the employee-training file.**

    a. **This training can be accomplished through roll-call or in-service training.**

41.3.1 Patrol Vehicles Lights, Sirens

A. Police vehicles that are used for routine or general patrol service will be conspicuously marked so as to make them readily identifiable as police vehicles. They shall be equipped with exterior mounted emergency lights, siren, lettering or markings which contain our department's name and decals or similar material on the sides and rear.

41.3.2 Equipment Specification/Replenishment

A. Every marked patrol vehicle shall contain the following equipment and supplies:

1. **First aid kit (1)**
2. **Space blankets (2)**
3. **Fusees/"flares" (10)**
4. **Fire extinguisher (1)**
5. **Measuring device (1)**
6. **Shotgun (1) and extra rounds (5 slug/10 "00 buck" rounds)**
7. **Broom (1)**
8. **Traffic cones (10)**
9. **Chalk (1)**
10. **Barrier tape (1)**
11. **Hazmat book (1)**
12. **Yard stick (1)**
13. **Parking ticket book (1)**
14. **Hazmat kit, including:**
    - **Gown/booties**
    - **Gloves**
    - **Mask**
    - **Disp. Bags**
15. **Stuffed Animal**
16. **Stinger spike system, including:**
    - **Eye protection**
17. **Heavy gloves (1 pair)**

18. **Rope (1)**

19. **Water rescue bag (1)**

20. **Heavy vest (1)**

21. **Sharps container (1)**

22. **Ice scrapper**

23. **Binoculars (1)**

24. **Fingerprint kit, including:**
    - **Tape**
    - **Powder**
    - **Cards**
    - **Brush**

25. **Tools, including:**
    - **Box**
    - **Pliers**
    - **Flat screwdriver**
    - **Philip's screwdriver**

26. **Leg restraint/Welsh strap**

27. **Flashlight**

28. **Lock jimmie**

B. Officers should check at the beginning of their shifts to ensure that all supplies are present. Supplies that are lacking will be restocked as needed. Supervisors should be notified when stock supplies run low.

41.3.3 Occupant Safety Restraints

A. Everyone, while operating or riding in the front seat of departmentally-owned vehicles, shall use the occupant safety restraint devices (seat belts) whenever the vehicle is in motion.

41.3.4 Authorized Personal Equipment

A. Specifications for personal equipment and apparel worn by uniformed personnel are set by the Chief of Police.

The Chief of Police has issued an approved equipment/apparel list. Which is to be worn by uniformed personnel.

Personal equipment and apparel not issued by the department will not be worn until approval is granted by a Captain or the Chief of Police.

The approved equipment/ apparel list will consist of the following:

Department Issued Equipment:
Newly Hired Employees Apparel:
Clothing Allowance Purchases:

Personal equipment will comply with standards listed in Section 26.1.1 Code of Conduct and Appearance and Section 22.2.5 Clothing and Equipment. Individual items may be approved by the Chief of Police through the clothing allotment program.

Equipment purchased from an officers clothing allowance which is not listed on the approved equipment/apparel list may not be worn as part of the uniform until approval has been grant by a Captain or the Chief of Police.

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41.3.5 Protective Vests

A. It is the Policy of the Troy 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. The City of Troy will provide every sworn officer with a protective vest

B. Use of Body Armor

1. **Officers that are assigned to a uniformed function and non-uniformed sworn officers are required to wear body armor while engaged in field activities while on duty.**

2. **Definition of Field Activities: Duty assignments and /or tasks that place or could reasonably be expected to place officers in situations where they would be required to act in enforcement rather than in an administrative or support capacities.**

3. **Body armor shall be worn be recruits as dictated by the academy.**

C. Use of Body Armor; Exceptions

1. **When the officer is involved in an undercover or plain clothes work that his/her supervisor determines could be compromised by wearing body armor**

2. **When the department determines that the circumstances make it inappropriate to mandate wearing body armor, i.e. special events, court.**

3. **When an agency-approved physician determines that an officer has a medical condition that would preclude wearing of body armor**

4. **On duty officers shall wear body armor whenever so order by a supervisor, when the situation dictates it.**

D. Inspection/Replacement of Body Armor

1. **Annual inspection of body armor shall be conducted for fit, cleanliness, signs of damage, abuse and wear.**

2. **Officers shall routinely inspect personal body armor for signs of damage and for general cleanliness.**

3. **Body armor that is worn or damaged shall be replaced by the agency. Body armor that must be replaced due to misuse or abuse by the officer shall be paid for by the officer or from their clothing allowance.**

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41.3.6 Protective Vests/Pre-Planned, High Risk Situations

A. When the TRT team and/or other members of the department engage in a pre-planned, high risk operation, all officers involved in the operation will wear all departmentally-issued protective vests and gear.

41.3.7 Mobile Data Access

A. No software programs or other files, including screen savers, games or other programs, will be introduced to department computers without the authorization of the Chief of Police or his designee.

B. There will be no manipulation or alteration of current software running on department mobile, desktop, or handheld computers without the authorization of the Chief of Police or his designee.

C. No changes will be made to the settings on department computers that will cause a permanent change to the viewable mode.

D. Procedures for use of computerized mobile data access

1. **Every officer will sign on at the beginning of the shift and will remain signed on for the duration of his/her tour of duty.**

2. **All in-car messaging to the 911 center will be held to professional questions and responses.**

3. **The mobile computer will not be used while the vehicle is in motion.**

4. **Drinks and food items will not be placed on the mobile computer.**

41.3.8 In-Car Audio/Video

The purpose of the in-car video camera is primarily for the collection of evidence evidence when dealing with traffic violators. However, the system has other uses, which include verification of complaints against officers, documentation involving citizen contacts other than on traffic offenses, identifying training issues, and evaluating performance of probationary officers or those in field training. As such, it is not the intent of the department to record all patrol activities of a normal duty shift.

A. Situations for use

1. Patrol officers are <u>required</u> to use the system to record under the following circumstances:

a. When in pursuit, including capture and arrest, if that is the outcome

b. When responding to any call using lights and sirens, with system not to be turned off manually until the run is completed

c. During traffic stops, from the time the lights are turned on until the call is cleared and the citizen proceeds

(1) On certain violations it is to the officer's advantage to record as much of the violator's behavior as possible both before and during their contact (i.e. OVI). Officers should make every effort to record the driving actions of these offenders prior to their stop keeping in mind the need to protect others from irresponsible or dangerous actions of the violator.

2. Patrol officers <u>may</u> use the system to record under the following circumstances:

a. On any citizen contact or call for service

(1) Recognizing the ability of the system to record both audio and video, it may be to the officer's advantage under certain circumstances to record calls even though no video of the event will be seen. Domestic or disturbance calls may be two examples of such situations. The recordings may prove to be an

affirmative defense against complaints of inappropriate actions by the officer

b. When transporting an arrestee

(1) An officer may want to use this to his/her advantage if the arrestee is particularly hostile. It may also be an advantage to use this recording feature to reduce complaints of inappropriate behavior when transporting arrestees of the opposite sex. The camera should be turned toward the arrestee and the camera should be placed into manual operation mode until the completion of the transport.

c. On any situation causing alarm or concern

(1) Examples of this would be dangerous traffic conditions as found by the officer or reported by citizens, civil disturbances, or incidents involving any criminal activity which is being conducted in any public place.

3. Patrol officers are <u>prohibited</u> from using the system to record the following circumstances:

a. Any situation which is not a legitimate law enforcement purpose or public concern

b. Any situation occurring in the private residence of any person or any place with an expectation of privacy when we would otherwise be prohibited from viewing or recording such circumstances

B. Data security and access

1. Officers are allowed to copy data, for evidence purposes, but are prohibited from erasing data by any means, unless authorized to do so.

2. Sergeants and OIC's are to have exclusive access to the locked recording compartment in the truck of each cruiser

(1) If an officer chooses to use the recording as evidence, they will have to make a copy of said data and submit it to the records section. All data that have any type of recording that could be viewed as

evidence will be downloaded into the computer prior to being submitted in to the property room.

3. **Data will only be copied by a captain, or his designee, for purposes of release of information, pursuant to law, or for purposes of legitimate concern to the department such as training issues or evidence for investigations.**
4. **Data will only be reviewed by supervisors to assess training issues, the performance of probationary officers or those in FTO, the validity of complaints against officers or at any time there is a reasonable suspicion that the videos may document any violation of rules, regulations, procedures or orders.**

C. Data storage and retention schedule

1. **The data is stored on a server in the telephone equipment room.**

2. **The recorded data is stored by date and held for sixty days, per the records retention schedule.**

D. Training requirements for user and Supervisors.

1. **All new sworn employees will receive training on the use of the in-car video system during their FTO program.**

2. **All employees; will receive periodic training on the in-car video system and it may include:**

   a. **Legal & privacy implications.**
   b. **Organizational philosophy regarding it use.**
   c. **Public Records laws.**

E. Requirements for documented review of camera captured data to include frequency and quantity.

1. **The Patrol Captain shall conduct a periodic review of the camera captured data. The review will be documented.**

   a. **This review of the camera captured data can assist in the following:**

      1. **Assess officer's performance.**
      2. **To determine if the equipment is being operated properly.**
      3. **Also identify recordings that may be appropriate for training.**

4. **Also any recording that can be deemed necessary or appropriate.**

2. **Frequency of review, this will be done quarterly.**

3. **Quantity of review, the review will consist of a minimum 6 videos per each working shift for that quarter.**

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42.1.1 On-Call Schedule

A. The Detective Section does not operate 24-hours a day but provides 24-hour service capabilities. The Detective Captain will assign detectives to an on-call list which will be posted in the communications area. Additionally, all detectives are issued cellular phones and are considered on-call 24-hours a day.

B. The standard work day for all personnel assigned as DARE/School Resource Officer (SRO) will be determined by the section head. This will include a half-hour lunch period which time the DARE/SRO is on-call. The DARE/SRO may, at his/her discretion, report directly to the appropriate school building without first stopping at the police department. The DARE/SRO shall report to the police department at the conclusion of the school day, prior to going home at their assigned quitting time.

42.1.2 Case-Screening System

A. The Detective Captain will screen cases based on the following criteria:

1. Seriousness of the offense

2. Availability of the investigatory resources

3. Solvability factors

4. Other factors the Captain may be aware of or circumstances which would require a thorough investigation

B. If one or more solvability factors are documented in a preliminary investigative report, follow-up investigation should be considered.

1. Follow-up investigation should always be considered if the crime is classified as a UCR Part 1 offense, or is a Felony 1 under the Ohio Revised Code.

2. Follow-up investigations shall be periodically evaluated using solvability and degree-of-seriousness factors, to determine if case investigation should continue or be suspended

a. Criteria to be considered include, but are not limited to:

(1) Lack of further leads

(2) Lack of solvability factors

(3) Unavailability of investigative resources

(4) Insufficient degree of seriousness

C. Investigations will generally be assigned based on the skills, knowledge, and abilities of an officer relative to the needs of each specific case.

1. The Detective Captain should also consider the officer's experience, character, and past performance.

D. The Detective Captain, under the guidance and direction of the Chief of Police, shall make the final decisions regarding assignments, regardless of an officer's expertise.

1. **The Detective Captain should assign a principal investigator for each case. This should not preclude the assignment of more than one person to an investigation if it is warranted, but is intended to insure accountability for each case.**

42.1.3 Case File Management

A. The status of every case which the investigative section is involved with will be maintained on a "Case Assignment/Case Review" sheet. This gives a listing of the current cases assigned. The sheet will also depict the assigned officer, date of assignment, type of crime and final disposition. Individual case files, once logged, will be turned over to the assigned officer.

B. Administrative designators, also called "clearances", will be assigned to every case. There are several designators, which include "Investigation Pending", "Closed" and "Suspended"

C. Case files consist of all pertinent documents relating to a particular file. After review by the Patrol and Investigative Captains, the case will be assigned based on solvability factors and crime seriousness to either the Investigative Section or Patrol for follow-up investigation. A copy of the individual case file, once logged on the "Case Assignment-Case Review" sheet, will be sent through to the Records Section. Only active cases will be kept by an officer and once the investigation is complete, the case will be turned over to the section captain for review, and the final disposition will be noted on the "Case Assignment/Case Review" sheet. After the review, the case file will be processed through the records section for entry into the computer and storage.

D. All case file originals shall be maintained in the records section.

E. Case files will be purged as set forth in the records retention schedule established by the authorized office of the City of Troy. Once a case is fully investigated and a final disposition made by the assigned detective, the case file will be processed by the Detective Captain and returned to the records section for permanent filing.

42.1.4 Accountability, Preliminary/Follow-up Investigations

A. Uniformed patrol officers shall conduct preliminary investigations on all calls dispatched to the patrol section. Detectives may be called in immediately to conduct investigations depending on the seriousness of the crime and the manpower needed.

B. Once a preliminary investigation is conducted, the case may be assigned to either investigative or uniformed personnel according to G.O. 42.1.3. Once assigned, the department member receiving the assignment shall be accountable for the follow-up investigation.

42.1.5 Habitual/Serious Offenders

A. Criteria for designating certain individuals as habitual/serious offenders

1. As part of a case investigation, the department will identify, verify, and document individuals who have prior criminal and/or traffic offenses.

2. A serious offense (offender) is defined in Ohio Criminal Rules of Procedure, Criminal rule 2, and such definition shall be used by this department and courts in determination of an offender.

3. A habitual offender is defined in Ohio Revised Code 2929.01 as a repeat offender and in Ohio Revised Code 4510.37(J) as a repeat traffic offender and such definitions will be used by this department and the courts in determination of designation of an offender.

B. Identification of all cases in which a designated habitual/serious offender is a party

1. During the normal course of an investigation, many tools are used to identify individuals as habitual/serious offenders. Investigating officers may use LEADS, in-house and local records checks, CCH's and other tools or methods in gathering information for their case.

a. If a subject is found to fit the criteria as a habitual/serious offender, the officer will use this information in his/her report and/or citation or charge. The prosecutor will be made aware of such identification in all cases coming before the court.

C. The prosecuting attorney shall be notified of such identifications in all cases and shall be requested for assistance in case preparation in these instances.

42.1.6 Criminal Intelligence

A. Intelligence activities of the Troy Police Department shall include information collection, processing and sharing of suspicious incidents, criminal intelligence relating to criminal and homeland security actives to the proper members or agencies.

1. All members are encouraged to gather information and relay this information via intelligence reports to the appropriate section(s).

2. Information processing shall formally be the duty of the detective section, although other officers/sections may become involved.

3. Dissemination of information will primarily be the responsibility of the detective section.

4. In cases where information could have a timely impact on this agency or other agencies, the information shall be relayed through channels as soon as practical to the detective section and shall, if applicable, be relayed to affected agencies as soon as possible.

5. Information that is collected shall be limited to criminal conduct and relate to activities that present a threat, or potential threat, to the community.

a. The detective section shall destroy information which does not meet these criteria.

B. All personnel shall be provided training addressing the collection, processing, and sharing of intelligence information. The training will be done with roll call training and/or during an officer's Field Training Program.

C. Information to be included in the intelligence effort shall be related to the detection or prevention of crime, organized criminal activity, vice, or potential crime areas.

1. Information dealing with business or personal dealings, unless specifically related to criminal activity shall not be included in the files.

2. Intelligence files will be evaluated in order to protect sources, Investigations, and individual's rights to privacy, as well as to

provide a structure to enable this agency to control access to intelligence. Information shall not be obtained illegally.

D. Information will normally be referred to a case file, pending investigation.

1. Information not contained in case files shall be reviewed annually for the purpose of purging files for out-of-date or incorrect information. This purging of information will follow the department's records retention schedule.

E. The utilization of intelligence personnel, equipment, and techniques shall be at the direction of the Detective Captain.

F. The head of the detective section and/or the assigned detective will review intelligence information compiled by the Troy Police Department. Due to the sensitive nature of intelligence information and access based on a "need to know", intelligence information is to be stored in a separate secure area away from central records. It is to be stored as follows:

1. Intelligence files are maintained in a locked cabinet located in detective section or in the central records system. The cabinet is to be kept locked unless the head of the detective section or the Chief of Police is present. Only these 2 people are to have access to the cabinet. When information is placed in the central records system the report, a detective will enter the information and will be marked INTEL. The report will also be sealed; this will limit the access to other members of the department.

a. The information is to be filed in chronological order by date of activity in the appropriate folder and secured in the cabinet provided for the secure storage of intelligence records.

G. Any information that is provided to other criminal justice agencies by the Troy Police Department must meet the following guidelines:

1. Be needed in an active criminal investigation

2. Be reviewed to determine if a "need to know" basis has been established

3. **Be approved for release by the head of detective section, Chief of Police or designee**

H. The head of the detective section will initiate the proper forms for providing data to select members of the intelligence community. Select investigative leads may also be forwarded to other members of the intelligence community who have unique technical services not maintained in this department, such as link analysis diagramming. All requests and responses to members of the intelligence community will be subject to approval by the head of detective section, Chief of Police, or the assigned intelligence officer.

I. The Detective Captain shall conduct an annual review of this General Order to determine if current policy reflects up to date practices. If the policy is found not to be up to date the findings will submitted to the Chief of Police via a memorandum.

42.2.1 Preliminary Investigations Steps

A. The following are steps which can be used when conducting a preliminary investigation. The list is not all-inclusive and the steps need not necessarily be performed in the listed order. The circumstances of the particular case or incident will guide the officer to a logical application of the needed steps.

1. **Observe all conditions, events and remarks which relate to the incident.**

2. **Locate and identify witnesses.**

3. **Maintain the crime scene, protect the evidence and arrange for the collection of the evidence.**

4. **Interview the complainant, witnesses and suspects.**

42.2.2 Follow-Up Investigations Steps

A. The following are steps which may be used when conducting follow-up investigations. The steps are not all-inclusive and may not necessarily be conducted in the listed order. The circumstances of the particular case or incident will guide the investigator in the logical application of the listed steps. A second contact with principals involved in a case requiring follow-up investigation or which has been closed should be made when the case dictates it.

1. **Review and analyze all previous reports prepared in the preliminary phase, departmental records, and results from laboratory examinations**
2. **Conduct additional interviews and questioning if appropriate**
3. **Seek additional information from other officers, informants, computer files, other agencies, etc. as appropriate**
4. **Planning, organizing, conducting searches, and collecting physical evidence**
5. **Identify and apprehend suspects**
6. **Determine, if possible, suspects involvement in other crimes**
7. **Conduct criminal history check on suspects**
8. **Prepare cases for court presentation, confer with prosecutor**

42.2.3 Investigative Checklists

A. Generally, the incident report form serves as a satisfactory checklist for most investigations

B. More complicated investigations or a case of a particularly serious nature may be aided through the use of particular investigative checklists. In such instances, the following handbook(s) may be utilized as needed.

1. **"Checklist and Field Guide" by Vernon J. Geberth**
2. **Any similar document containing relevant information.**

42.2.4 Patrol Shift Briefing Attendance

A. Members or representatives of the Detective Section are to attend Patrol Section shift briefing sessions when they are working and available or at the direction of the head of Detective Section.

1. While attending these sessions or meetings, they are to pass on pertinent information that they may have which may assist the patrol officers in performance of their duties.

42.2.5 Investigative Task Force(s)

If the Troy Police Department participates in any formal, long term, multi-jurisdictional investigation task force(s). The written agreement or MOU will be a written directive for the Troy Police Department and it will contain or describe the Task Force(s) actives, to include:

A. The purpose for that Task Force;

B. It will define the authority, responsibilities and any written agreement;

C. It will be the responsibility of the Detective Captain to evaluate the results of that Task Force(s). At any time that there is no need for the continued operation of a Task Force(s), the Detective Captain will submit a written report to the Chief stating their findings.

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42.2.6 Polygraph Examinations

A. Officers may consider using truth verification examinations for the detection of deception in criminal investigations when it appears that their use may facilitate and/or speed investigation. The most common examinations are the polygraph and computerized voice stress analyzer (CVSA). The Troy Police Department has certified examiners for the CVSA. A qualified outside firm is used to perform the polygraph examination.

1. **The person operating the equipment must be certified by an established and recognized agency that trains and certifies the operators on such equipment.**

2. **Such examinations may be considered to assist in establishing the credibility or truthfulness of suspects, victims and witnesses.**

42.2.7 Informants

A. Inclusion of informants in a master file

1. The head of the detective section shall cause the establishment of a secure master file of informants and the file will be maintained in a locked file cabinet found in the detective section.

a. Confidential informant - This is a person who is providing information which relates to a certain specific investigation or on a continuing basis, but does not actively participate in such investigation(s). This person may or may not be paid or remunerated for such information.

2. Access to the master informant file is limited to the Chief of Police, the head of detective section and officers assigned to the detective section as detectives.

B. Content of informant file

1. A file on an informant, classified as a confidential informant, should, whenever possible, contain the following:

a. Troy Police Department informant identification sheet

b. Biological and background information

c. Photograph

1. Except juvenile informants

d. Fingerprints (use one civilian card)

1. Except juvenile informants

e. Criminal history record, if any

f. All correspondence directed or received from the informant

g. A signed "Wire and Recording of Conversation Consent Form" when applicable

C. Maintenance of an informant file

1. **The head of the detective section will be responsible for maintaining the master informant file.**

D. Security of informant files and related codes

1. **Informant files are to be kept in a locked file cabinet in the detective section. Access to these files is limited to the Chief of Police, the head of detective section and those officers assigned to as the detective section as detectives.**

2. **Occasionally, during the course of an investigation, other sworn personnel may request information from the secure informant files. If appropriate, the Chief of Police or the head of detective section may authorize the release of specific information to the requesting officer. If such information is disseminated to a sworn officer, the Chief of Police or the head of detective section shall cause a supplemental report to be made and placed in the informant's file which contains the following information, at a minimum:**

    a. **The name and unit number of the officer receiving the information and the date and time it is provided**

    b. **The case number of the case that the receiving officer is working and to which the information received is directly connected**

    c. **A summary of what information was provided to the officer**

    d. **The signature and unit number of the receiving officer and, if not a member of this department, the identity of the department for which the receiving officer works**

3. **The individual informant case file is to consist of a manila file folder such as is used in the records section for case files and is to carry the particular code designation number of the informant on the upper left hand corner of the front part of the manila file folder.**

a. **Reports, forms, photos and other pertinent information relating to this particular informant are to be maintained in this file folder.**

4. **Each informant is to be identified on a case file folder by a code number particular to that person. The code numbers are to be assigned by a member of the detective section and will be the next available sequential number for the informant classification.**

    a. **The numbers are to be prefixed by a two letter informant classification (i.e., CC = Concerned Citizen, CW = Cooperating Witness, CI = Confidential Informant) followed by a two digit designation of the year in which the person was first developed as an informant.**

        1. **For example: CW98-07, CC98-25 or CI98-32, etc.**

E. Other methods to protect the identity of informants

1. **When an officer wishes to establish an informant in the informant file, the officer is to contact a member of the detective section to obtain the next available code number which will then be assigned to that informant.**

    a. **This informant control number will be used in all reports and references to the person in lieu of a name in order to further protect the identity of the informant.**

F. Criteria for paying informants, if applicable

1. **Informants may be paid for providing information, for active participation in an investigation or for services or goods expended in the gathering of information or providing of services.**

    a. **Payment or remuneration may occur only when there is an understanding by both parties of the circumstances or conditions which must exist for money to be paid or remuneration provided.**

    b. **Payment or remuneration is to be conservative and consistent with the value of the information received or of the goods or serviced provided or expended by the informant.**

c. **Payments are not to be made to informants unless the officer reasonably believes that the information or services provided is reliable and payment justified.**

    1. **Officers must be able to justify, in writing, the amount expended for value received.**

    2. **When an officer desires to pay or remunerate an informant for information, goods or services, the officer is to advise his immediate supervisor of the amount needed and adequately justify why it is needed.**

        a. **Requests for amounts exceeding $200.00 must be approved by the Chief of Police or the head of detective section.**

        b. **Under no circumstances is an informant to be paid or remunerated until an informant file on the individual has been originated.**

        c. **If a supervisor approves the request for payment, the supervisor is to contact the Chief of Police or the head of the detective section to obtain the necessary funds in accordance with established procedures.**

        d. **As a condition of payment, a receipt, with two copies, as designated by the head of the detective section is to be prepared and is to show:**

            1. **The amount paid**

            2. **The date of payment**

            3. **The informants particular file number and name**

            4. **Whether the payment is for information, goods or services**

            5. **The informants signature acknowledging receipt**

6. **The signature of the officer making payment**

7. **The transaction number for journal entry purposes**

8. **The complaint number of the associated case, if one has been assigned**

e. **The officer making the payment is to prepare a supplemental report outlining the payment, and is to attach a copy of the original case report to it. The reports and receipt copies are to be forwarded to the head of the detective section for review, approval and filing.**

1. **The original of the receipt is to be placed in the cash box and the copy is to remain in the receipt book. An entry will be made in the journal which will include the receipt number, date, informant ID number and amount of transaction. This will then be inventoried once a month by the section head and another officer.**

G. Precautions to be taken with informants

1. **Officers are to be diligent in protecting the identity of all informants and are not to deliberately place an informant in jeopardy.**

   a. **Informants should be advised of risks inherent in providing or gathering information and are to understand that any risks they assume are their own and not the responsibility of any officer or the department.**

2. **Whenever an officer wishes to develop an informant, the officer is to conduct a cursory examination and investigation of the person which encompasses at least the following:**

   a. **A determination of whether the person is currently under indictment or is out on bond and, if so, the officer or**

agency having charged the person is to be contacted to obtain the particulars so that a judgment may be made as to whether to utilize the person in an investigation. A person under indictment or out on bond may be utilized in appropriate situations.

b. Whether the person is wanted by another jurisdiction for any criminal violations.

c. Officers shall not use any wanted person as an informant and, further, upon finding that the person is wanted, shall forthwith effect or cause the arrest of the person.

d. If the informant is currently on parole or probation, permission must be obtained from the person's parole officer, probation officer or judge, prior to utilizing the person.

1. Some parole officers, probation officers or judges may be reluctant to permit, or may forbid, persons assigned to them for supervision to participate as an informant or in an investigation.

2. Should a parolee or probationer provide information on his or her own which is not at the direction of an officer, the information may be accepted and used as would any information received from any other informant. Such parolees or probationers should be cautioned by an officer not to violate their parole or probation conditions.

e. Determine if the person is a current or past informant for this or any other agency

1. If it is found that the person is or has been an informant for this or any other agency, the person or agency utilizing the informant is to be contacted to assure that a duplication of effort does not exist or that use of the person will not compromise another investigation.

2. The person or agency should be queried to determine the feasibility of us using the person and

further, what ability and effectiveness the person has demonstrated in the past.

3. **When this department is engaged in an investigation wherein we are assisting or cooperating with another agency and utilizing their informant, the "Troy Police Department Informant Identification Sheet" need not be filled out unless the informant is to receive funds from the Troy Police Department Special Investigative Fund.**

4. **Circumstances may occur which would dictate discontinuing the use of an informant. Informant use is to be discontinued when:**

    a. **Inordinate risk to the safety of the informant, an officer or innocent persons becomes significantly likely if use continues**

    b. **The informant persistently provides false or misleading information**

    c. **Continued use would likely bring discredit or negative notoriety to an officer or the department**

    d. **When an officer becomes aware of reasons for discontinuing the use of an informant, the officer is to submit a Deactivation Form, outlining the reasoning for the deactivation, or proposed discontinuance, to the head of the detective section.**

        i. **Such report is to be reviewed and signed by the head of the detective section, and is to be placed in the informant's file jacket in the secure informant file. The informant's file will be marked "Deactivated".**

5. **Whenever practical, contact meetings with an informant should be made with two officers present or with one officer meeting the informant while**

another officer provides cover or covert surveillance either visually or by way of remote listening device.

a. If an officer must contact an informant alone, a supervisor should be notified of the time and place of the proposed contact and ID code of the informant whenever possible and/or practical.

b. Officers should avoid meeting with informants of the opposite sex without an accompanying or covering officer, whenever practical.

6. When, during contact or debriefing of an informant, information concerning violations of law are discovered which may be of interest to other agencies or other sections of this agency, appropriate notifications and providing of information is to be made so that investigations may be conducted and appropriate actions taken.

a. Such debriefing and statements are to be documented and included in the informant's file.

H. Special precautions to be taken with juvenile informants

1. Other than casual information provided by a juvenile as a concerned citizen, the use of a juvenile as an informant in investigations is subject to special precautions and limitations. Care must be taken to protect the safety, reputation and morals of juveniles used as informants.

a. Written permission must be obtained from a parent, a guardian or a court officer before a juvenile may be used as a working informant. Juveniles may not be knowingly placed in potentially dangerous situations without full consent and knowledge of the juvenile's parent, guardian or court officer.

1. The parent, guardian or court officer giving consent shall be kept regularly informed of the conditions and utilization of the juvenile informant.

2. **A file shall be prepared for a juvenile informant for inclusion in the secure informant file as it is for an adult informant, except that the department or any of its officers are not to photograph or fingerprint the juvenile in order to include the juvenile's photo or fingerprints in the file**

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b. **If a parent, guardian or court officer, with the consent of the juvenile, opts to provide the department with a photograph or fingerprints of the juvenile, either or both may be included in the juvenile's secure file.**

c. **Fingerprints of a juvenile informant may only be taken by an officer upon a court order authorizing such fingerprinting by an officer.**

42.2.8 Identity Crimes

<u>Identity fraud</u> is the unauthorized use of another's personal identifying information for an unlawful purpose, usually for financial gain.

<u>Victim</u> is the person whose personal identifying information was used, not the company that was deceived into providing the goods and/or services.

A. Initial reporting

The Troy Police Department will generate an identity theft incident report from any person who knows or reasonably suspects that his/her personal information has been unlawfully used by another.

1. **The victim will be requested to complete written statement describing the theft of his/her identity. The statement will submitted with the original incident report.**

2. **The reporting officer will:**

   a. **Provide the victim with the "Ohio's Identity Theft Victim Assistance Kit" which provides information on who to contact, what to do to mitigate the damage from the current incident, and how to minimize future identity theft victimization**

   b. **Provide the victim with the report number and advise him/her to obtain a copy of the completed report**

   c. **Provide the victim with the agency telephone number to contact the reporting officer for any questions regarding his/her case**

B. Investigation

1. **The investigating officer will:**

   a. **Review department records for additional information and follow the department policy and procedures identified in GO 42.2.2**

   b. **Contact local law enforcement agencies regarding the reported identity theft, possibly linking cases from other**

jurisdictions and coordinate the investigation if other jurisdictions are involved.

2. **If during the follow-up investigation it is discovered the crime was committed in another jurisdiction, the investigating officer will contact the agency and forward the information collected.**

C. Prevention of identity theft

1. **The Troy Police Department will have provide the citizens of the City of Troy and the general public literature regarding the prevention of identity theft.**

42.2.9 Cold Cases

A. Defining a Cold Case

Cold case refers to a criminal investigation or case that remains unsolved after all leads have been exhausted. Cold cases are often violent or other major felony crimes, such as murder, attempted murder, missing adults where foul play is suspected, missing children, rape or other sexual related crimes with serious injury, which, unlike unsolved minor crimes, are generally not subject to a statute of limitations.

A cold case is considered unsolved until a suspect has been identified, charged, and tried for the crime. Cases may or may not have a suspect named at the time of the crime or developed during the original investigation. With the advent of improving DNA testing and other forensic technologies, cold cases once considered unsolvable will be reviewed.

1. **To properly review the case file and evidence to determine if new techniques exist that were not previously available that may help solve the case**

2. **To permit a fresh perspective by either the same or a different investigator for the possibility that a new approach might be considered for additional follow-up**

3. **To possibly reopen the case as an active investigation when circumstances indicate the opportunity to develop new information**

4. **Upon request from the Investigative Captain to the Chief of Police, a case may be taken off the cold case list if circumstances allow.**

B. Evaluation Criteria

1. **Cold cases will be classified in the department's case management system using the minimum solvability factors.**

    a. **Physical evidence collected (i.e. evidence that may be valuable for DNA analysis, ballistics or fingerprint data bases) which may substantially advance a case beyond its original level**

b. **Witness(s)**

c. **Suspects known or named**

d. **Does the case meet cold case criteria? Y = Yes, N = No. If the incident meets the cold case criteria, the case will be placed in a blue case file. The case will be marked in a unique manner, i.e. a blue case fold.**

2. **Investigators may also choose to consider other solvability factors that may lead to the classification of meeting cold case criteria.**

C. Cold Case Review(s)

1. **All cases meeting the cold case criteria will be reviewed at least on a five (5) year cycle. Nothing prevents a case from being opened any time information becomes available that may further the investigation.**

2. **At least annually, the Investigative Captain or designee will generate a report against all cases meeting cold case criteria. This process requires that the Investigative Captain or designee review the new information and make a determination as to what course of action is appropriate.**

   The available options are to:

   a. **Acknowledge a review of the information in supplement form but take no action.**

   b. **Reopen the case as an active investigation (all cases reopened will follow the guidelines in General Order 42.2.2).**

3. **Consideration(s) for reopening a cold case:**

   a. **Statute of limitations**

   b. **Technological considerations, such as the nature or condition of the evidence as originally collected, stored and in some instance, subject to other forensic tests**

c. **Practical considerations, such as the availability of witnesses in the event further testing or investigation would identify a suspect and lead to an arrest and a trial**

d. **Interview with victim or victim's family. Oftentimes, after several years in cases of a sexual nature, the victim may not wish to relive the events and may not wish to willingly participate in the investigation**

e. **Resource issues, such as the time and money available for investigation and forensic analysis**

42.2.10 Interview Rooms

The Troy Police Department has designated interview rooms at the Police Department. Uniformed and non-uniformed personnel will use designated room for all interviews and interrogations where it is likely that the interviews could turn into an interrogation.

Definitions:

Interviews –

An interview is a non-accusatory, structured conversation during which specific, behavior-provoking questions are asked with the purpose of eliciting interpretable behavior symptoms considered typical of truth or deception. Additional factual information concerning the case and/or suspects may also be developed during this non-accusatory exchange.

Interrogation –

An interrogation is a conversation between the interrogator and the suspect, during which the suspect is accused of involvement in a particular incident or group of incidents. The accusatory tone of the exchange is what distinguishes the interrogation from the interview.

A. Rooms Designated as Interviews/Interrogation Rooms

1. **The lobby of the Police Department has two rooms that are used as an interview room. Located in the lobby are the soft interview room and the public report room.**

2. **The processing area has an interview room.**

3. **The detective section has an interview room. Also the detective's conference room is also used as an interview room/voice stress analyzer room.**

B. Weapon Control

1. **Officers may wear their firearm, secured in their holster when conducting an interview/interrogation. If the interview/interrogation is conducted in the processing area**

interview room the employee shall secure their firearm in a gun locker or other secure area.

C. Security

1. **Officers should be alert to all the contents in an interview/interrogation room prior to utilizing it.**

2. **Officers will inspect the interview/interrogation room before and after conducting an interview/interrogation.**

3. **All subjects that enter the processing area for an interview/interrogation will be searched prior entering the processing area.**

D. Number of Personnel allowed in the Interview Room

1. **No more than two officers will occupy the room during an interview/interrogation.**

2. **Other officer will not interrupt an interview/interrogation unless it is necessary to relay additional information.**

E. Summoning Assistance

1. **Uniformed personnel may request assistance by way of their portable radio.**

2. **Non-uniformed personnel may request assistance by way of their portable radio or cell phone.**

3. **Detective's conference room is also equipped with a video system that is monitored during each interview/interrogation.**

F. Equipment/Items in the Room

1. **Each room used as an Interview/Interrogation room has standard office chairs and desks. Also in the rooms may be standard office supplies.**

G. Access to Water, Restrooms or Comfort Breaks

1. **Restrooms and drinking fountains for the processing area are located within the processing area.**

2. **Restrooms and drinking fountains are located throughout the department and will be provided upon request.**

3. **Suspects will be provided access to the restroom, drinking water and other needs, as needed.**

4. **Comfort breaks are permissible when practical. Officers will maintain observation of the suspect during this time to ensure the suspect's safety.**

42.2.11 Line-ups

It is the policy of the Troy Police Department to establish guidelines for the use of eyewitness identifications involving show-ups, photographic identifications and line-ups.

If practical, a blind or blinded administrator should administer the lineups. A blind administrator is one who does not know the identity of the suspect. A blinded administrator is one who knows the identity of the suspect, but does not know which lineup member the eyewitness is looking at because a folder system or a substantially similar system is used.

If it is not practical to have a blind administrator, the blinded administrator must state in writing in their report why that is the case. If it is not practical to have a blind or blinded administrator, the blind or blinded administrator must state the reason in writing.

Show-up, Photographic Identifications and Line-ups Instructions.

Before an officer shows any witness a show-up, photographic identification or lineup, that officer will read the witness(es) the Law Enforcement Agencies Show-up, Photographic Identifications and Line-ups Instructions form or the JusticeWeb form. The form must be completed by the officer and kept with the case file. If there is more than 1 eyewitness per situation an instruction form will be completed for each witness. Photographs for a photo lineup can be used by obtaining them from the Ohio Law enforcement Gateway's Electronic Photo Lineup.

A. PHYSICAL LINEUP PROCEDURE

A physical or live lineup is an identification procedure in which a suspect is placed in a live group setting which is shown to a witness. Witnesses should be advised the perpetrator may or may not be present in the live lineup. All physical lineups shall be done using the following guidelines:

1. **<u>Number of Participants:</u> All physical lineups shall consist of a maximum of six (6) persons including the suspect. A suspect will not be presented to any witness signally at the police station unless exigent circumstances exist. Each participant shall be numbered from left to right.**

2. **<u>Physical Similarity:</u> Filler persons placed in a live lineup shall have reasonably similar physical characteristics to the suspect and each other such as age, race, height, weight, hair color and**

length, physical build, facial features, etc. Filler persons and the suspect should be dressed similarly. If the description of the perpetrator included descriptions of particular clothing items, all persons including the suspect should be dressed in clothing similar to the witness description.

3. **<u>Conduct of Participants:</u> All participants in the physical lineup must be instructed to conduct themselves so as not to single out the actual suspect. All participants, including the suspect can be instructed to utter specific words or phrases, make gestures, or assume a particular pose. If this is required of any person in the physical lineup, it will be done by all persons in the lineup.**

4. **<u>Documentation:</u> A photograph of each physical lineup will be taken and maintained with the case file. If an identification is made, the officer shall assess witness confidence immediately following the identification, and clearly document witness confidence by quoting the witnesses remarks in the police report. If no identification is made, this fact must also be clearly documented.**

SUSPECTS LEGAL RIGHTS

Any suspect(s) placed in a physical lineup have the right to have a lawyer present during the lineup if they so desire. Officers shall inform any suspect(s) of this right, permit them time to consult with a lawyer if requested, and allow a reasonable time for the lawyer to attend a physical lineup.

1. **<u>Role of Suspects Lawyer:</u> The suspect's lawyer shall be allowed to consult with the suspect prior to the lineup, and to observe the lineup procedure within the following guidelines:**

   - **Suspect's lawyer may make suggestions, but may not control, impede, nor obstruct the procedure. Suggestions may be considered if they make the lineup procedure more consistent with this policy, but implementation is not mandatory.**

   - **Suspect's lawyer must be instructed to remain silent during both the lineup and the giving of a witness conclusion.**

   - **Suspect's lawyer may be permitted to speak with any witness only after the lineup procedure is completed, and only if the witness agrees to voluntarily speak with the lawyer. Witnesses**

should be informed they are under no obligation to speak with the lawyer, but are not prohibited from doing so.

2. **<u>Refusal to Participate:</u> If suspects refuse to participate in a physical lineup, they should not be forced to participate. Officers should consider conducting a photo-lineup using a photograph of the refusing suspect. If a physical lineup is determined to be necessary, a court order should be obtained for the participation of the refusing suspect.**

B. PHOTO LINEUP

A photo lineup is the preferred method of the Law Enforcement Agencies. The simultaneous photo lineup consists of showing a group of similar photos to a witness all at the same time. Witnesses should be advised the perpetrator may or may not be present in the photo lineup. All simultaneous photo lineups shall be done using the following guidelines:

1. **A minimum grouping of ten (10) photos must be used to create the photo lineup, and must include five (5) filler photos with one (1) suspect and four (4) blank photos that contain no images.**

2. **The photo of the suspect must be contemporary, shall resemble as much as possible their appearance at the time of the offense, and shall reasonably resemble the witness's description of the perpetrator.**

3. **Although filler photos need not be exact matches, all filler photos should resemble the suspect photo as much as possible, including size, background, race and skin tone, facial features, weight, hair color and length, scars, tattoo, eyeglasses, etc.**

4. **If there is more than one suspect, each suspect photo will be placed in the grouping of ten separately from any other suspect(s).**

5. **Place one of the non-suspect photo in a plain manila folder and mark the folder as "Folder 1".**

6. **Place the suspect photo and the remaining non-suspect photos in the five (5) empty manila folders, shuffles them and mark the "Folder 2 through 6".**

7. **Place the four (4) blank photos in the four empty folders and mark them "Folder 7 through 10".**

8. **Say nothing to the witness about the witness's identification.**

9. **Hand the witness each of the ten (10) folders individually without looking at the photos. The witness then will remove the photo and look at it, the witness is to indicate if it is person they saw and their degree of confidence in that identification. The witness is then to replace the photo back into the folder and return the folder back to the administrator.**

10. **There will be no more than two (2) viewings per witness, follow the same procedure if the witness requests for a second viewing.**

11. **If there is more than one witness each witness will be shown the lineup separately and witnesses will not be permitted to communicate with each other until after the lineup procedure has been completed.**

12. **If the witness has previously viewed a photo lineup in connection with the identification of another person suspected of involvement in the offense, the fillers in the lineup shall be different from the fillers used in any prior lineups.**

13. **If an identification is made, the officer shall assess witness confidence immediately following the identification, and clearly document witness confidence by quoting the witnesses remarks in the police report. If no identification is made, this fact must also be clearly documented. Also documented must be the names of all people present, time and date of lineups and the names of the lineup members and the source of the photographs or people in the lineup. Also to be documented, if the eyewitness identifies any of the individuals in the lineup.**

14. **Any and all photo lineups created, viewed, identified or not identified must be kept with the officer's case file.**

15. **No person has a right to have a lawyer present at any photo lineup whether it takes place before or after an arrest.**

C. If audio or video is used during the lineup, the media used is to be treated as evidence and should be handled consistent with Department policy and procedures.

D. Prohibiting Feedback by Officers

1. **Officers must not, by word or gesture, suggest opinions to any witness concerning the guilt or innocence of a suspect in any identification procedure. Witnesses making inquiries about an officer's opinion shall be informed of this restriction.**

   A witness who has taken part in an identification procedure must not be permitted to state conclusions within earshot of another person who is about to be, or has been, a viewer of the identification procedure.

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TROY POLICE DEPARTMENT

SHOW-UP, PHOTOGRAPHIC IDENTIFICATION, LINE-UP INSTRUCTIONS

DATE_____ **CASE NUMBER**_____

(Must be read verbatim)

"I am going to show you a group of photographs, subject or a group of subjects. This group of photographs, subject or a group of subjects may or may not contain the person who committed the crime now being investigated. Keep in mind that hair styles, beards, and moustaches may be easily changed. Also, photographs may not always depict the true complexion of a person; it may be lighter or darker than shown in the photo. Pay no attention to any markings or numbers that may appear on the photos or any other differences in the type or style of the photographs. When you have looked at all the photos or subject(s), tell me whether or not you see the person who committed the crime. Do not tell other witnesses that you have or have not identified anyone." I, the Administrator, do not know who the suspect(s) are.

Once you have viewed each picture(s) you are not to show the administrator (me) any of the images and if you see the alleged perpetrator, you are to identify that person by number only.

(If a witness cannot make an identification, he may then be read the following)

"Do any of the persons shown in the photographs, subject or a group of subjects resemble the person you saw?"

First Viewing [ ] Second Viewing [ ]

Blind/Blinded Administrator_____

Complaint/Witness_____

Name of all Person(s) present(If not listed above)

_____
_____
_____
_____

Comments:

_____
_____
_____
_____

Complainant/Witness Signature	Officer Signature	Photo#

TROY POLICE DEPARTMENT

This form must be completed by the Blind/Blinded Administrator

DATE_____ CASE NUMBER_____

Investigating Officer_____

Blind/Blinded Administrator_____

(Completed)

____Obtain (1) Suspect Photo
____Obtain (5) non-suspect photos (matching the suspect's photo)
____Obtain (4) blank photos with no image
____Place non-suspect photo in plain manila folder, mark folder #1
____Place suspect and remaining non-suspect photos in plain manila folder
____Shuffle the folders and mark folders #2 through #6
____Place 4 blank photos in plain manila folder and mark folders #7 through #10
____Advise witness that the alleged perpetrator may or may not be in the photos
____Advise witness they are not to show them any images and if they see the alleged perpetrator, they are to identify that person by number only.
____Hand the 10 folders to witness. Each time the witness views a photo, the witness is to indicate if it is the person the witness saw and the witness degree of confidence in that identification. The witness then to return the folder to the administrator
____Follow the same procedure if witness asks for second viewing. (only two viewing permitted per witness)
____Say nothing to witness about the witness' identification until the lineup has concluded and has been documented and recorded.

This form must be completed by the Investigating Officer/Blinded Administrator

TROY POLICE DEPARTMENT

DATE_____ **CASE NUMBER**_____

Investigating Officer_____

Blind/Blinded Administrator_____

Source of the Photographs _____

Photo # 1/Subject Identity_____

Photo # 2/Subject Identity_____

Photo # 3/Subject Identity_____

Photo # 4/Subject Identity_____

Photo # 5/Subject Identity_____

Photo # 6/Subject Identity_____

Comments_____

_____

_____

This form is to be completed by the Investigating Officer/Blinded Administrator.

42.2.12 Show-ups

It is the policy of the Troy Police Department to establish guidelines for the use of eyewitness identifications involving show-ups, photographic identifications and line-ups.

A. Reasons under which a show-up may occur.

1. A show-up is the presentation of a suspect(s) to a victim or eyewitness within a short time frame after the commission of a crime. This process is allowed under law if the following criteria are present:

a. If the suspect(s) is apprehended within a short time period and the show-up is conducted within a short window of time.

b. If the suspect(s) is apprehended at or near the crime.

B. Even when the criteria is met and it is determined that a show-up is necessary and appropriate, courts will determine that the propriety and accuracy of the identification by examining the following criteria:

1. The witness' opportunity to view the suspect at the scene of the crime.

2. The degree of attention paid to the suspect by the witness.

3. The accuracy of the description provided to the police prior to the show-up.

4. The witness' level of certainty as demonstrated at the one-on-one confrontation.

5. The length of time between the crime and the show-up.

6. If the suspect(s) was located near the crime scene and detained no more than 30 minutes before the show-up is conducted and no longer than 2 hours after the offense occurred.

C. Manner of transportation to the show-up.

1. Whenever possible, the witness should be transported to the detained suspect(s) location rather than bringing the suspect to

the witness's location or the crime scene. This procedure will limit the legal impact of the suspect(s) detention and eliminate the possibility of crime scene contamination.

2. **When a witness requests/or is concerned about possible retaliation, the officer should attempt to conceal the witness during the show- up procedure.**

D. Situation where more than 1 eyewitness is available.

1. **The show-up is limited to one witness at a time. Witnesses should be separated and are not to be present when another witness is viewing the show-up.**

2. **If there are multiple witnesses and one witness makes an identification during the show-up; further show-ups will not be done. Other identification procedures will be used for the remaining witnesses.**

E. Show-up, Photographic Identifications and Line-ups Instructions.

1. **Before an officer shows any witness a show-up, photographic identification or lineup, that officer will read the witnesses the Troy Police Department Show-up, Photographic Identifications and Line-ups Instructions form or the JusticeWeb form. The form must be completed by the officer and kept with the case file.**

F. Identifying the level of confidence of witness.

1. **If an identification is made, the officer shall assess witness confidence immediately following the identification, and clearly document witness confidence by quoting the witness's remarks in the police report. If no identification is made, this fact must also be clearly documented.**

G. Prohibiting Feedback by Officers

1. **Officers must not, by word or gesture, suggest opinions to any witness concerning the guilt or innocence of a suspect in any identification procedure. Witnesses making inquiries about an officer's opinion shall be informed of this restriction.**

   A witness who has taken part in an identification procedure must not be permitted to state conclusions within earshot of another

person who is about to be, or has been, a viewer of the identification procedure.

H. Documenting show-up and results.

1. **All information regarding any identification procedure shall be documented in the officer's written report, to include:**

    a. **All identification and non-identification results.**
    b. **Confidence or certainty statements made by the witness (these should be quoted).**
    c. **Names of all persons present.**
    d. **Date, time, and location.**
    e. **Any significant remarks made by an officer, witnesses, or suspect.**

43.1.1 Complaint Management

It is the policy of the Troy Police Department to receive and process vice, drug and organized crime activities to determine their validity and, if valid, to investigate such complaints with a view toward apprehension and prosecution of violators.

A. Any officer or other employee of the department who discovers or receives information which indicates that vice, drug or organized crime activities are occurring within our jurisdiction are to forward such information to the head of the detective section in writing on a signed and dated memo form.

1. If the officer has effected an arrest for a vice, drug or organized crime activity, a copy of the report is to be forwarded to the head of the detective section.

B. The Detective Captain is responsible for the maintenance of the department's vice, drug and organized crime records and complaints.

C. The vice, drug and organized function, through the detective section, will maintain, in the file, information conveyed to and received from outside agencies in relation to vice, drug and organized crime control.

D. The Chief of Police will be advised of current vice and organized crime problems and actions taken or contemplated to control the problem. The Detective Captain or his designee will deliver this information. The frequency of these briefings will depend on the amount and level of activity.

43.1.2 Records, Storage and Security

A. Offense reports and any related investigative records of an active undercover investigation shall be kept in the record management system. The report that is generated, it will be marked as an INTEL report and sealed so that access is restricted.

43.1.2 Confidential Funds

A. A budget fund exists for paying informants, conducting investigations and gathering intelligence. This fund may be used to support the vice, drug and organized crime control functions.

43.1.4 Equipment, Authorization and Control

A. The Troy Police Department has specialized equipment designed to insure the safety of its personnel and to aid in the gathering of information through surveillance and/or undercover activities. Proper authorization, distribution and use of surveillance equipment or undercover equipment are obtained from the Detective Captain when assigned to the detective section.

1. **The wireless transmitter is designed to monitor an officer or police operative to insure the safety of the person and to gather information.**

2. **Members of the Troy Police Department will not, under any circumstances, use a wireless transmitter, tape recorder or other electronic device for any unauthorized verbal interceptions.**

    a. **State and Federal law prohibits such use and violators can be prosecuted.**

    b. **Having knowledge of improper use and failing to report it may lead to prosecution and/or departmental discipline.**

3. **The wireless transmitter and associated tape recorder can be used as a prosecution tool when one person involved in a conversation has knowledge that his or her conversation is being intercepted and permission has been given beforehand.**

4. **A "Wireless Transmitter and Tape Recording" consent form is to be signed and witnessed and the completed form placed in the informant's file.**

5. **In all cases where evidence or potential evidence is obtained through the use of a tape recorder, all tapes are to be properly marked and submitted to the property room.**

6. **In all cases where civilian police operatives are wearing or in any way using a wireless transmitter or tape recorder, a written permission form must be signed and witnessed prior to use of the equipment.**

B. The department has in its possession numerous tools and resources which may be used to suppress, reveal and convict persons involved in criminal activities. This equipment will be used in accordance with department policy and procedures, federal, state and local laws.

43.1.5 Covert Operations

A. The Troy Police Department has written procedures for conducting or participating in vice, drug and organized crime surveillance, undercover, decoy and raid operations, which include, at a minimum, provisions for the following:

1. **Analyzing crimes, victims and suspects**
2. **Determining legal ramifications**
3. **Familiarizing officers with the objective and details of the operation, the neighborhood or target area**
4. **Determining operational procedures for observation, arrests, surveillance and high-risk entries**
5. **Supplying officers with expense funds**
6. **Establishing means of routine and emergency communication**
7. **Selecting vehicles and equipment**
8. **Providing relief, backup security and perimeter protection for officers**

44.1.1 Juvenile Operations Policy

A. The Troy Police Department is committed to the development and perpetuation of programs designed to prevent and control juvenile delinquency.

B. All police components and personnel share the responsibility for participating in or supporting the Troy Police Department's juvenile operations function.

C. The department's juvenile operations function shall include:

1. Designing and implementing programs intended to prevent and control delinquent and criminal behavior by youths

2. Follow-up processing of youth arrests

2. Coordinating or preparing court cases in which a juvenile offender is involved

3. Diverting juvenile offenders out of the juvenile justice system and adjusting cases

C. The above mentioned list of activities should not be viewed as all inclusive; rather, it is intended that the activities mentioned form a core around which other requirements or policies may be added as needs dictate.

D. All officers shall maintain a working knowledge of the Ohio Revised Code Section 2151 regarding juveniles and be aware of the alternatives to arrest.

44.1.2 Policy Input, Others

A. The Detective Captain will assign a member of their section to act as a liaison between the Department and other elements of the juvenile justice system to ensure that department policy and procedures are not inconsistent with policies and procedures of other juvenile justice system components in Miami County. At least annually, the liaison will meet with the Juvenile Prosecutor to review policy and procedure. Any changes will be forwarded though the liaison's chain of command.

B. Procedural recommendations from other juvenile justice system components shall be forwarded to the Chief for review.

44.1.3 Annual Program Review

A. Annually, the Detective Captain will conduct a review of all enforcement and prevention programs (i.e., DARE) relating to juveniles. The evaluation will consider both the quantitative and qualitative elements of each program. A decision will then be made, based upon the review, on whether the individual programs should stay as is, be modified, or be discontinued.

44.2.1 Handling Offenders

A. When dealing with juvenile offenders, employees should use the least compelling among reasonable alternatives, consistent with serving public safety, order and individual liberty.

B. Law enforcement officers may deal with youthful offenders in one of four ways:

1. **Outright release with no further action**
2. **Either calling the parents or taking the juvenile to the parents and informing them of the problem;**
3. **Issuance of a citation or summons in lieu of incarceration**
4. **Referral to juvenile court through arrest**

C. Formal guidelines governing the decisions to divert from the juvenile justice system any juvenile for whom legal proceedings would be inappropriate or the use of other resources more effective should include:

1. **The nature of the alleged offense**
2. **The age and circumstances of the alleged offender**
3. **The alleged offenders record, if any**
4. **The availability of community-based rehabilitation programs**

D. Apart from diverting juveniles to other social service agencies or referring them to the juvenile courts, law enforcement agencies have a wide range of alternative remedies that they themselves may employ. They may include station house warnings, informal referrals, consulting with and arranging for corrective action by parents, not filing formal charges, and dropping charges.

E. Agency referral of alleged juvenile offenders to formal legal proceedings should be restricted to those cases involving serious criminal conduct or repeated criminal violations. In general, delinquent acts requiring referral to the juvenile justice system should include:

1. **All delinquent acts that, if committed by an adult, would be felonies**

2. **All delinquent acts involving weapons**

3. **All serious gang-related acts**

4. **All delinquent acts committed by juveniles under probation or parole or by those with a case pending**

5. **All delinquent acts involving aggravated assaults**

6. **All repeated delinquent acts, within the preceding twelve-month period.**

7. **Other cases that may require referral to the juvenile justice system include:**

    a. **When a juvenile has been selected for a diversion program, but has refused to participate**

    b. **When it has been determined that parental supervision is not effective**

F. **Whenever possible, citations or summonses should be issued to juvenile offenders to appear in court in lieu of taking them into custody. The use of citations or summonses is in keeping with the agency's overall philosophy of using the least coercive among reasonable alternatives consistent with the proper execution of law enforcement responsibilities.**

44.2.2 Procedures for Custody

A. Custody decisions regarding juveniles must be based on specific detention criteria enumerated in O.R.C. 2151.31.

B. When the juvenile is alleged to have engaged in non-criminal misbehavior (a status offense), the officer shall make every effort to release the juvenile to the parents and utilize written citations or summonses in lieu of incarceration.

C. The officer should consider taking the juvenile into custody if the juvenile has been harmed or is in danger of being harmed. While this is not a criminal offense, the officer should take custody of the child until he/she can be released to a responsible individual, preferably a family member.

D. As with any individual, the officer will ensure that the constitutional rights of a juvenile are protected.

E. The juvenile should be brought to the detention facility without delay (unless the juvenile is in need of emergency medical treatment)

F. The juvenile's parents or guardians will be notified of the fact that the juvenile has been taken into custody.

44.2.3 Custodial Interrogation of Juvenile

A. Recording Custodial Interrogation

1. **All custodial interrogations of a suspect for an aggravated murder, murder, voluntary manslaughter, first or second degree involuntary manslaughter or vehicular homicide, rape, attempted rape or sexual battery that occurs in a place of detention and is to be recorded. Per the Miami County Commons Pleas Prosecutor the preferred method is to have the interrogation recorded is an audiovisual recording.**

2. **Definition - Place of detention. Places of detention include a jail, police or sheriff's station, holding cell, state correctional institution, local correctional facility, detention facility or a department of youth service facility. A law enforcement vehicle is not a place of detention.**

B. If a custodial interrogation takes place and the child has been given the Miranda warning, an officer should be particularly aware that the child understands the meaning of the term of voluntarily.

C. Prior to an interrogation a suspect who is in custody, or is otherwise significantly deprived of their freedom of movement, the suspect is to be advised of their constitutional rights, he or she possesses as required by current U.S. Supreme Court decisions. This is to include but not limited to access to legal counsel.

1. **Defining custody or significant deprivation of freedom of movement can sometimes be a difficult and confusing task. Whenever an officer has doubt concerning giving their Miranda warning to a suspect, the suspect should be given their Miranda warning.**

2. **Rights to Counsel, arrestees have a right to counsel. Whenever an arrestee expresses a desire to exercise the right to counsel, interrogation is to cease until the arrestee has had an opportunity to obtain an confer with counsel of choice or with a county appointed attorney.**

D. Limiting the duration of the interrogation and the number of officers engaged therein.

1. **The duration of a custodial interrogation shall normally be limited to two hours and shall be conducted by no more than two officers.**

E. Explaining agency and juvenile justice system procedures to juvenile and parents or guardians being interrogated.

1. Explanations should be given to juveniles being interrogated concerning the procedures being used to conduct such interviews. This may help calm the child and alleviate fears about the questioning.

F. Officers should be aware that the voluntariness of the juvenile's confession will generally be the issue. In determining whether a confession is voluntarily, the courts look to the totality of the circumstances which includes a review of the following factors related to a juvenile defendant:

1. Age, intelligence, educational background. Some questions to ask the juvenile to determine this would be:

A. Do you know the difference between a truth and a lie?

B. If I said the color of (object or piece of clothing) is (incorrect color), would that be a truth or a lie? Why?

C. If I said the color of (different object or piece of clothing) is (correct color), would that be a truth or a lie? Why?

<u>Statement</u>

A. You told me that the color of (the object) is (color) and that is the truth because it is. All we want to do is talk about the truth today, nothing made up or a lie, only things that really happened or things that are true, OK?

B. Do you know the difference between real and imaginary?

C. If I told you that I have a friend named (any name) standing/sitting next to me (no one standing/sitting in the location) and I was talking to him would that be real or imaginary? Why?

<u>Statement</u>

We only want to talk about things that are real not imagined.

2. **Mental capacity, including whether the defendant was nervous and physical condition.**
3. **Prior experience in the criminal system.**
4. **Whether the defendant is suffering from any injury or pain at the time the statement was given.**
5. **The duration of the questioning.**
6. **Time of day.**
7. **Whether the defendant is tired and is desirous of sleep.**
8. **Length of confinement.**
9. **Whether Miranda or police caution warnings were given, when, and whether he understood them.**
10. **Whether the room size was sufficient size and supplied with appropriate furniture.**
11. **Whether defendant was cuffed or threatened.**
12. **Whether defendant was refused the use of bathroom, food or drink.**
13. **Whether there was a promise of leniency.**
14. **Whether the juvenile understood the interrogation process.**
15. **Whether a youth officer is present during the interview.**
16. **Whether the parents were notified.**
17. **Whether the juvenile asked for the parents to be present.**
18. **Whether the police prevented a concerned adult from speaking with the juvenile, which is a significant factor.**
19. **Familiarity with English or the official language.**

44.2.4 School Liaison Program

A. The Troy Police Department has a school liaison program which operates principally through activities and auspices of the position of the DARE/SRO Officer. The officer's responsibilities include the following:

1. Acting as resource with respect to delinquency prevention

a. Work with Troy City school officials on the control and identification of juvenile problems and to share with them resources and information that we may have so that effective and relevant programs may be developed to address identified problems.

2. Providing guidance on ethical issues in a classroom setting

a. As an integral part of the various presentations and programs conducted in the classrooms in the schools, the DARE/SRO Officer may provide guidance on ethical issues either as a pre-planned part of a presentation or in response to questions asked or issues raised during such presentations.

3. Providing individual counseling and/or mentoring to students

a. The DARE/SRO Officer will be available to students who request individual counseling and/or mentoring and will assist these juveniles in getting help, to the best of their ability.

4. Explaining the law enforcement role in society

a. As a part of the interaction with students and teachers in the school system, either in formal or informal settings, DARE/SRO Officers will avail himself, or herself, of opportunities to explain the role of law enforcement in society.

45.1.2 Organizing Prevention Groups

A. In addition to neighborhood watch groups, the crime prevention unit provides and assists in programs which will have a positive effect on the prevention of crime in the city. These programs include Operation Identification and vacation house checks.

B. Upon citizen's request, a crime prevention officer will speak on such subjects as crime prevention for the elderly and disabled, shoplifting, vandalism and burglary.

46.1.1 Planning Responsibility

Within the department, it is desirable to have a person who is responsible for coordinating planning for response to critical incidents.

The Patrol Captain is the person assigned to this task.

46.1.2 All Hazard Plan

1. **The Troy Police Department maintains an "All Hazard Manual" to serve as a functional reference to all employees who may be involved in a critical incident. This manual serves as the central resource for these incidents. We also maintain the Department Unit Plan for the Police Department as part of the City of Troy Emergency Operations Plan. In addition, we are a participating agency in the Miami County Emergency Operations Plan.**

2. **It is the responsibility of the Administrative Captain to maintain the Troy Police Department "All Hazard Manual" and ensure that it remains free of conflict with the City of Troy Emergency Operations Plan, the Miami County Emergency Operations Plan, and any other said agreements and plans with other government agencies.**

3. **Standard Incident Command System (ICS) protocols, as recommended by the Federal Emergency Management Agency (FEMA), will be followed in all critical incident responses. By following this nationally accepted planning tool, we will be prepared to work with all responders (federal, state, tribal, and local) using common language and standardized procedures.**

46.1.1 Command Function

Immediately upon initial response to a critical incident, the command function will begin to function and the incident command system is activated. The initial responding officer has this responsibility and the permits a clear point of control. The system may be expanded or contracted with ease to meet the needs of escalating or diminishing situations. The responsibility of command remains with the initial responding officer until a senior officer, a supervisor or a command officer relieves this officer. The officer filling the command function is known as the Incident Commander and will address the following:

Establishing a Command Post

Consideration must be given to establishing a command post. A command post could function in a setting ranging from the front seat of a patrol car to a dedicated mobile command vehicle to an office officially designated for this function. Patrol supervisors generally drive Ford Expedition patrol vehicles, which are not equipped for prisoner transport, leaving more room that may be helpful if this vehicle is being used for a command post. A request may also be made via the Miami County Communications Center for the Miami County Emergency Management Agency Hazardous Materials/Mobile Command Post vehicle.

The Troy Police Department "All Hazard Manual" contains tools to assist an Incident Commander in establishing the command post, including:

TPD EOP014 – Command Post Operation;
TPD ICS203 – Organization Assignment List; and,
TPD ICS204 – Division/Group Assignment List.

Initiating the notification and mobilization of additional agency personnel

The Miami County Communications Center is designated as the central point for initiating the notification and mobilization of any additional personnel determined to be necessary by the Incident Commander. This is accomplished through the use of the "Twenty First Century Universal Communications System," which simultaneously dials the telephone numbers of an entire group of agency personnel previously defined according to their watch or section assignment.

Obtaining support from other agencies

Support is immediately available from other agencies within Miami County by way of relay through the Miami County Communications Center, our centralized dispatch center. Our mobile and portable radios are also interoperable with all other county law enforcement agencies and with the Troy Fire Department.

With permission of the Chief of Police or his designee, resources may also be immediately requested by use of the State of Ohio Law Enforcement Response Plan. This plan lists all law enforcement resources available in the state and can be accessed and requested through the Miami County Communications Center or directly through any internet-based connection at the Command Post.

Establishing a staging area, if necessary

If the Incident Commander determines it is necessary to establish a staging area for incoming resources, the location of the staging area should be clearly communicated to responding units. The location of the staging area should be selected in consideration of safe approaches to the area. Someone should be designated to take charge of the staging area in order to notify Incident Command of resources available in the staging area.

Providing public information and maintaining media relations

As a critical incident escalates, the Incident Commander must give consideration to establishing a Command Staff to include a Public Information Officer (PIO). The PIO serves as the conduit for information to internal and external stakeholders in the incident, including the media or other organizations seeking information direction from the incident or event.

Maintaining the safety of all affected personnel

As a critical incident escalates, the Incident Commander must give consideration to establishing a Command Staff to include a Safety Officer. The Safety Officer monitors safety conditions and develops measures for assuring the safety of all personnel.

Preparing a documented after action report

An After-Action Report (AAR) summarizes the events of an exercise or critical incident and contains analysis of performance. When possible, and After Action Review should be conducted with personnel involved in the critical incident. The Incident Commander or designee should facilitate the review with the intent to encourage dialog, not lecture or debate. The focus should remain on items

that can be fixed and all discussion should be kept confidential. Any action items or suggestions that result from these discussions should be documented on "TPD ICS 214 – Unit Log." This form should then be forwarded to the Chief of Police and disseminated to any others who may benefit from any lessons learned from the incident. The focus of any such report should remain on "what" and not "who."

46.1.4 Operations Function

The Operations Function of the Incident Command System is responsible for the management of all tactical operations directly related to the primary mission as defined by the Incident Commander. The Operations Function be managed by the Incident Commander or designee. If the function is designated to another officer, that person is part of the General Staff and is known as the Operations Section Chief. At a minimum, the operations function will address the following:

Establishing perimeters

The initial responding officer should determine if a "Kill Zone" exists in a critical incident that is otherwise contained, and begin establishing appropriate perimeters immediately. As the management of the incident expands, this "Kill Zone" should be constantly reevaluated. As resources are increased, the initial perimeter may be expanded.

The Troy Police Department "All Hazard Manual" contains tools to assist in establishing perimeters, including:

TPD EOP 015 – Containment; and
TPD EOP031 – Location Intel.

Conducting evacuations

In any critical incident, consideration must be given to the safety of citizens in the area. In some cases evacuations must be conducted. In other cases, residents should be advised to shelter-in-place. The operations function has the tactical responsibility for conducting any evacuations determined necessary by Incident Command.

The Troy Police Department "All Hazard Manual" contains details on tools available to assist in evacuations, including how to obtain additional resources to assist, or use of the mass telephone notification system based on geographical boundaries.

Maintaining command post and scene security

The operations function has tactical responsibility for maintaining security of the command post and the scene of the critical incident.

Providing for detainee transportation, processing, and confinement

The operations function has tactical responsibility for transporting, processing, and confining detainees, in accordance with General Orders 70 and 71.

Directing and controlling traffic

The operations function has tactical responsibility for directing and controlling traffic, in accordance with General Order 61.3.2.

Conducting post-incident investigation

When the critical incident involves alleged criminal activity, it is the tactical responsibility of the operations function to conduct any post-incident investigation into the incident.

46.1.5 Planning Function

The Planning Function of the Incident Command System prepares and documents the Incident Action Plan to accomplish the objectives established by Incident Command, collects and evaluates information, maintains resource status, and maintains documentation for incident records. The Incident Commander or designee may manage the Planning Function. If the function is designated to another officer, that person is part of the General Staff and is known as the Planning Section Chief. At a minimum, the planning function will address the following:

Preparing a documented incident action plan

The following tools from the Troy Police Department "All Hazard Manual" may serve as an adequate incident action plan when considered together. Many incident action plans will be complete without including every one of these forms, and only those forms necessary for adequate planning should be included:

TPD ICS201 – Incident Briefing
TPD ICS202 – Incident Objectives
TPD ICS203 – Organization Assignment List
TPD ICS204 – Division/Group Assignment List
TPD ICS205 – Incident Radio Communication Plan
TPD ICS206 – Medical Plan
TPD ICS207 – ICS Organization Chart
TPD ICS211 – Incident Check-In List OR
TPD EOP42 – Personnel Roster
TPD ICS213 – General Message
TPD ICS215 – Operational Planning Worksheet
TPD ICS215A – Incident Action Plan Safety Analysis
TPD ICS221 – Demobilization Checkout
TPD ICS259-3 – Resource Order Sheet

Gathering and disseminating information and intelligence

Information and intelligence may come in a variety of formats. Limiting the formats that are acceptable could inhibit this important communication. Any format is acceptable. The Troy Police Department "All Hazard Manual" includes a form which may be used to track information in a common format, "TPD EOP099 – Intel Updates."

Planning post-incident demobilization

Besides planning for escalation of a critical incident, the planning function is responsible for demobilization of resources. In long-term incidents, this may

be an ongoing process as resources are rotated in and out of the incident. The Troy Police Department "All Hazard Manual" "TPD ICS223- Demobilization Checkout" may serve as a useful tool in executing this function.

46.1.6 Logistics Function

The Logistics Function of the Incident Command System provides support, resources, and all other services needed to meet the operational objectives in a critical incident. The Incident Commander or designee may manage the Logistics Function. If the function is designated to another officer, that person is part of the General Staff and is known as the Logistics Section Chief. At a minimum, the logistics function will address the following:

a. Communications;
b. Transportation;
c. Medical support;
d. Supplies; and
e. Specialized Team and equipment needs.

The Troy Police Department All Hazard Manual "TPD ICS215 – Operational Planning Worksheet" will serve as a very useful resource in complicated critical incidents when the Logistics Function has been assigned to a Logistics Section Chief. While it is the responsibility of the Incident Commander to provide final approval for ordering additional resources, as well as releasing resources from a critical incident, the Logistics Chief has the authority to order the resources after the Incident Commander or his/her designee approves the order.

46.1.1 Finance/Administration Function

The Finance/Administration Function of the Incident Command System monitors costs related to the critical incident, and provides accounting, procurement, time recording, and cost analyses. The Incident Commander or designee may manage the Finance/Administration Function. If the function is designated to another officer, that person is part of the General Staff and is known as the Finance/Administration Section Chief. At a minimum, the finance/administration function will address the following:

a. recording personnel time;
b. procuring additional resources;
c. recording expenses; and
d. documenting injuries and liability issues.

The Troy Police Department "All Hazard Manual" will serve as a very useful resource in complicated critical incidents when the Finance/Administration Function has been assigned to a Section Chief.

46.1.7 Equipment Inspection

The Troy Police Department "All Hazard Manual" contains a Resource Listing showing the numbers and types of equipment and supplies that may be needed for various emergencies. A copy of this Resource Listing will be printed quarterly and the Patrol Captain or designee will inspect the listed equipment to ensure it is available and operationally ready. The printed copy of the Resource Listing will be signed and dated to document the inspection. The Patrol Captain or designee will correct any deficiencies found during the inspection. If the equipment needs to be removed from service it will also be removed from the Troy Police Department "All Hazard Manual" Resource Listing.

46.1.9 Annual Training

All affected agency personnel will receive training at least annually on the Troy Police Department "All Hazard Manual". At a minimum, all affected agency personnel will receive a training bulletin that familiarizes the employee with the manual and explains how the manual can be accessed.

Additional training will be structured based on the assignment of personnel. Supervisors and Commanders will be encouraged to participate in tabletop and actual exercises of critical incidents. Ideally, these exercises will include multiple agency involvement. These may include exercises of other agencies or jurisdictions plans or can be exercises conducted in the form of ICS training, such as ICS-300 and 400 classes.

46.1.10 Active Threats

For the purpose of this policy section an Active Threat shall be defined as one or more suspects engaging in a random or systematic killing or maiming spree, demonstrating their intent to continuously harm others. Active Threats may use a variety of weapons which include, but are not limited to, any combination of edged weapons, firearms, and explosives.

A. Active Threats can produce mass casualty incidents and the longer an active threat acts the higher the number of casualties. Active threats should be stopped as soon as possible.

1. The preferred method for stopping an active threat when lives are in imminent danger is to use a rapid response. For the purposes of this policy, a Rapid Response shall be defined as going in immediately when people are being injured and/or when lives are being taken or when lives have been taken and apparently will continue to be taken. Officers initially arriving on scene should weigh the costs and benefits to a rapid response as it poses a greater risk to officer safety than waiting for additional units. The decision of whether to use a rapid response or wait for backup is at the discretion of the initially responding officer(s).

2. Should the active threat stop/pause and a barricaded suspect or hostage situation develop; the rapid response should be avoided unless its benefits are perceived to outweigh the costs in terms of human life. Barricaded and/or hostage procedures are the preferred method for dealing with barricaded and/or hostage situations that develop from an active threat incident.

B. The Troy Police Department has mutual aid agreements with multiple agencies in the region. The Incident Commander should use those mutual aid agreements to call in resources from outside law enforcement and EMS agencies as the incident requires. Medical facilities should be alerted, through the Miami County Communications Center, to be prepared for a mass casualty incident.

C. When practicable and depending on the containment and continued threat to society, the public should be notified of the active threat incident.

1. **Notification can be made through several means that include but are not limited to:**

    a. **Code Red**
    b. **Reverse 911**
    c. **Time Warner Cable broadcast interruption**
    d. **Social Media (ex. Facebook, Twitter, etc.)**

D. The public should be provided with information, as requested, for what to do in case of an active threat incident. The Troy Police Department will work with the public to develop active threat plans using the current tactics, techniques, and procedures as they continue to evolve.

E. The City of Troy and the Troy Police Department has a plan in place for public shelter and the containment of the incident.

1. **For public shelter; see the Troy EOP and the Miami County EOP.**

2. **For containment of the incident; see G.O. 83.2.1. a. and the FTO Checklist.**

F. An documented annual review of the policy will be conducted and to include any training needs.

46.2.1 Special Operations Activities

A. The Troy Police Department has an active Tactical Response Team (TRT). If the need arises, the TRT may be utilized at the discretion of the on-duty supervisor, with the consent of a captain or the Chief of Police, when normal patrol assignments cannot adequately handle an event or situation. Because on-duty officers need to re-mobilize along with the TRT, consideration must be given to relieving their assigned position with officers who are not part of the TRT. Another option is to advise the TRT Commander of the location and needs of the member already on the scene.

B. The tactical response team can be utilized to supplement other operational components as the need arises.

C. Since the tactical response team is made up of officers from all operational components, there is a natural coordination and cooperation between these components.

4.2.2 Tactical Team Selection

A. The following criteria will be followed in selecting officers for the Tactical Response Team (TRT):

1. Three years police experience

2. Volunteer

3. Satisfactory evaluation for twelve consecutive months

4. Recommendation from immediate supervisor

5. Pass a physical agility test

6. Pass oral review board made up of current TRT members

7. Approval of the Chief of Police

46.2.3 Tactical Team Equipment

A. The Troy Police Department will supply the equipment that is needed for the tactical response team. This equipment includes but is not limited to:

1. Portable radio

2. A flashlight

3. A chemical agent mask

4. Body armor

5. Utility uniform

6. Cellular Phone

7. A ballistic helmet

8. Binoculars - select team members

9. Sidearm

10. Long guns

a. Sniper rifle

b. Semi-automatic center fire rifle

c. Shotgun

d. 37 mm grenade launcher

11. Battering ram

12. Ballistic shield

46.2.4 Hostage Negotiator Selection

A. The basic criteria for selection as a hostage negotiator are as follows:

1. **A minimum of five years' experience with the Troy Police Department**

2. **Must have a good work attendance record and be willing to report for duty on short notice at any hour**

3. **Must have demonstrated effective communication skills and problem solving abilities**

46.2.5 Search and Rescue

A. The Troy Police Department will assist the Troy Fire Department in accordance with the Troy Fire Departments search and rescue policy and procedures. Juvenile search procedures are covered in G.O. standard 41.2.6.

46.2.6 VIP Security Plan

It is the policy of the Troy Police Department to provide security for dignitaries, visiting officials of other major government entities, VIP's or other persons against whom a significant threat is perceived or to assist other agencies in their assigned security missions while the visiting person is in the city. A "Very Important Person" (VIP) is defined as a dignitary, famous personality, notorious person, or any other person in need of special security.

Responsibilities – Designation of a single person or position as supervisor and coordinator of any given security detail.

The Chief of Police or his designee shall act as the commander/coordinator of all security details for VIP's visiting the City of Troy. The Chief of Police or his designee will serve as liaison with any security already serving the VIP. If further security is required, the commander/coordinator shall arrange for such manpower through other law enforcement agencies with which the Troy Police Department has mutual aid.

The Troy Police Department All-Hazard Plan Manual contains tools to assist in the planning of such an event.

The Chief of Police or his designee shall be responsible to establish or coordinate the following measures:

1. **Instructions for planning and reconnoitering of travel routes and alternates as necessary;**
2. **Advance inspection for intelligence gathering information:**
3. **Coordination of operation within the Department and with outside agencies;**
4. **Identification of emergency first aid, ambulance and medical facilities;**
5. **Timetable provisions:**
6. **Limited ingress and egress as necessary at visitation sites;**
7. **To hold a pre-visit briefing and post-visit debriefing for all involved personnel.**

A. Equipment Requirements

1. The Chief of Police or his designee shall be responsible for all equipment needs to include the following:

a. Vehicle needs

1. Limousine (as needed)

2. Vans or buses

3. Escort vehicles

4. Marked/unmarked vehicles

5. Aircraft

6. Public work vehicle

b. Communications needs

1. Radios

2. Phones

3. Pagers

c. Body Armor requirements for officers which may also include the VIP, if necessary.

d. d. Weapons approved for assignment to officers on the detail in addition to the Department issued on-duty handgun.

e. Special equipment as required.

f. Identification of Personnel

1. Uniformed officers shall be identified as per normal procedures.

2. Non-uniformed personnel shall be identified by Special identification tags or colored tape/pins.

B. Instructions for Planning and Reconnoitering Travel Routes and Alternates.

The Chief of Police or his designee will establish all area travel routes for the VIP. The Chief of Police of his designee will work closely with the VIP or his staff on these routes. The Chief of Police or his designee should keep in mind needs of the VIP as well timetables and public relations requirements. These routes should be preplanned and pre-traveled to identify any hazards or problems that may arise. Alternate routes should planned.

C. Advance Inspection for Gathering Intelligence Information.

Advanced on-site inspections will be conducted including aerial overview when available. One final inspection prior to arrival will be made of the immediate area the VIP is likely to occupy. All intelligence gathering and coordinating will be assigned to the Detective Section.

D. Coordination of Operations within the Agency and with Outside Agencies.

In the event the VIP has an accompanying security detail, the Chief of Police or his designee will work with the person in charge of that detail for coordination efforts. The Chief of Police or his designee will as many officers as necessary to provide adequate security of the VIP and his/her staff. If additional manpower is needed, the Chief of Police or his designee will contact other area law enforcement agencies for assistance through mutual aid and/or other provisions.

When the VIP has their own security detail, such as the U.S. Secret Service, and keeps intelligence information on groups or persons that may be hostile towards the VIP, the Chief of Police or his designee shall in collaboration with the Detective Section assign a detective to work with the detail in checking on known persons in our area.

Prior to the VIP's arrival, the commander/coordinator of the detail will conduct a briefing. This briefing will be attended by all affected department supervisors and by representative from all outside agencies involved in the operation. These agencies may include the Secret Service, FBI, any local or private law enforcement agencies, and the Troy Fire Department. Duties and responsibilities of all agencies will be outlined in the briefing and written operational plan.

E. Identification of Emergency First-Aid, Ambulance and Medical Facilities.

The Chief of Police or his designee shall arrange for the Emergency Medical Service of the Troy Fire Department. The services of EMS must be at or immediately available each site the VIP may visit. Planning will also be made for the most direct route to the nearest hospital at all times. The Chief of Police or his designee should visit and arrange with the emergency hospital to plan for any type of medical emergency that could arise. If at all possible, medical information on the VIP should be provided to the hospital beforehand.

F. Communications

All assigned officers will carry portable radios, and if possible cell phones, etc. in order to maintain communication with the dispatcher or a command post if one is established. In addition, provisions should be made for the methods of communicating between the various law enforcement agencies involved in the operation, which may not be on the Miami County Communication Center 800 MHz system.

G. Identification by Designation, E.G., Lapel Pins

All assigned personnel, not uniformed will conspicuously display on the lapel, front pocket, or collar will wear issued identification pins. The commander of the detail will determine what pin will be worn. Officers/ employees will carry i.d. and or badges with them in case of challenge made by another member of the security detail.

46.2.7 Special Events Plan

A. "Special Event" is an activity such as a parade, athletic contest, and public demonstration, or other event, which results in the need for the control of traffic, crowds or crimes.

A. Responsibilities – Designation of a single person or position as supervisor and coordinator for special events.

The Chief of Police or his designee shall be responsible to coordinate and assign units for the coverage of a given event. The Troy Police Department All-Hazard Manual contains tool to assist in the planning of such an event. The Chief of Police or his designee shall develop specific plans relative to an event to include.

1. **As necessary, designate a single supervisor and/or coordinator of a given special for the event.**

2. **Issue a special order detailing estimates of the traffic, crowd Control and crime problem expected.**

3. **In the case of frequently recurring events, such as football games, one order may be issued for the entire season.**

4. **Determine how many, if any, special operations personnel are Needed and provide for their assignment.**

5. **Logistic requirements – to include coordinating equipment needs through the other Sections and components of the Police Department.**

6. **To serve as a liaison between this Department and all other outside agencies or organizations involved, and**

7. **To provide for a debriefing of involved personnel and submit an "After-Action-Report" to the Chief of Police identifying any problems area or recommended changes.**

The Detective Section will provide any information concerning anticipated crime problems, other than those generally associated with large crowds.

B. Written Estimate of Traffic, Crowd Control and Crime Problems Expected.

As a part of the "Special Event Operation Plan" the Chief of Police or his designee will provide a written "memorandum" which detail the operational plan which will include written estimates on traffic numbers, crowd control numbers and issues, and crime expected at the special event. This shall be provided in writing at the earliest possible date.

C. Contingency Plan for Traffic Direction and Control.

For the purpose of traffic control, "Special Events" are those at which a large volume of vehicular and/or pedestrian traffic is anticipated and, hostile crowds are not anticipated. Special events may include parades, sporting events, highway construction and maintenance activities, picketing, etc.

The Troy Police Department will provide only that degree of traffic control service in support of special event as is absolutely necessary. The primary task of the Troy Police Department personnel conducting traffic direction and control in support of a special event is to assist the motorist and/or pedestrians in the vicinity of the event.

Upon learning of the special event, a command level officer will be assigned to participate in the planning for the event. The time, location, and anticipated attendance shall be determined. If the event is a parade, the route will be determined and coordinated with other public service and transportation lines, which may exist, and public works, to provide an opportunity in adjusting the normal schedules for their services. The perimeter streets of the special events shall be used to maximum advantage by eliminating or increasing parking spaces, making temporary one-way streets and assigning personnel to key intersections for control. Adequate emergency services access will be provided to the scene of the event, including fire and ambulance services.

The Troy Police Department will provide for adequate crowd control. If the event is a parade, rope or other appropriate barriers may be use along the parade route with officers stationed at intervals as needed. The department will ensure adequate publicity for any changes or alterations in street utilization, parking availability, public transportation services and the location of the events or parade route.

Consistent with the schedule or anticipated duration of the need for traffic direction and control services, provision will be made for scheduling adequate breaks for the departmental personnel providing those services.

If traffic direction and control services are to be provided in support of the event by private sources, the Troy Police Department will review those services and their duty assignments prior to the event, to ensure their adequacy.

D. Tactical Response Team (TRT) or other Special Operations Personnel

In the event the special event requires the use of the Tactical Response Team (TRT) and/or other Special Operations personnel the Commander/Coordinator will meet, discuss, decide, and prepare the written plan with the Tactical Response Team (TRT) and Hostage Negotiation Team (HNT) Commander, if necessary. Such plan requires review and approval by the Chief of Police.

E. Logistical Requirements

Logistic requirements will include coordinating equipment needs through the other Sections of the Troy Police Department. This may also include the number of barricades, barricade positioning, fixed post assignments, and any other relevant considerations that will assist in a smooth and effective operation. If the logistics indicate there will be need of barricades or other relevant materials and/or considerations, it shall be the responsibility of the Special Event Commander to handle those arrangements.

F. Coordination Inside and Outside the Agency

The Command/Coordinator will assign as many officers and/or other personnel as is necessary to provide adequate coverage and security of the "Special Event." In addition, the Command/Coordinator will work with the person in charge of any other entity outside the Police Department (other City Departments, other Police Agencies, and other organizations) for a coordination of efforts. If additional manpower is needed, the Command/Coordinator will contact other area law enforcement agencies for assistance through mutual aid and/or other provisions. Prior to the Special Event, the commander of the detail will conduct a briefing. This briefing will be attended by all affected department supervisors and by a representative from all outside agencies involved in the operation. Duties and responsibilities of all

agencies will be outlined in the briefing and written operational plan. All assigned officers will carry portable radios, cellular phones, etc. in order to maintain communication with the dispatcher or a command post if one is established. In addition, provisions should be made for the methods of communicating between the various law enforcement agencies involved in the operation, which may not be on the Miami County

46.3.1 Liaison with Other Organizations

The Detective section of the Troy Police Department will always maintain an account with the Ohio Homeland Security Contact and Information Management System (CIMS). Information will be entered, retrieved, and distributed from this system accordance with General Order 42.1.6. To facilitate distribution, employees who are not assigned directly to the Detective section may also obtain accounts with CIMS under the discretion of the Chief of Police or either Detective Captain.

CIMS provides user with a secure "one-stop-shop" source for receiving relevant and timely homeland security as well as all-hazards information. CIMS is available to public and private sector officials who are involved with terrorism prevention, response, mitigation and recovery efforts. CIMS is a centralized, cross-functional repository for Homeland Security information sharing as well as a secure means to disseminate timely and relevant information to multi-disciplines and jurisdictions across the state of Ohio.

When credible and specific terrorism-related information is received, a Detective Captain or designee will serve as the central point of information for ensuring appropriate information is disseminated to specific outside agencies. This also ensures that agents/employees from affected outside agencies will become personally familiar with the Troy Police Department point of contact so they can easily provide information they have received back to our agency.

46.3.2 Terrorism Related Intelligence

Intelligence information procedures as described in General Order 42.1.6 also apply to Terrorism related intelligence. One additional consideration is that our city does not exist in a vacuum. So, information authorized to be collected as a "threat to the community" may be indirectly related to threats to the City of Troy and more directly related to a wider jurisdiction. In these situations, it is critical that the information be passed to the appropriate agency.

In the State of Ohio, by submitting the information through CIMS (or by calling 877-OHSINTEL), the information is analyzed by the Ohio Strategic Analysis and Information Center (SAIC). This center is a team of local, county, state, federal, and private sector jurisdictions. The SAIC works as a partner to the Federal Department of Homeland Security and also has constant liaison with five Ohio-based FBI Joint Terrorism Task Forces (JTTF). Each JTTF has its own investigative and analytical staff.

Any employee who receives terrorism-related intelligence will notify their supervisor. The information will then be handled in accordance with General Order 42.1.6, to include submission to SAIC via CIMS when appropriate

46.3.3 Providing Awareness Information

When specific and credible information is obtained that indicates a risk to the lives or properties in the City of Troy, affected persons will be made aware of the information in a time frame that will protect.

1. **The lives and property affected (first and foremost), and**

2. **The source of the information.**

No specific information that is classified as law enforcement sensitive or a higher classification will be shared, but affected persons must be made aware if their life is in jeopardy.

Non-specific awareness information may be included in any program that meets the procedures outlined in the below listed General Orders of this department:

- **45.1 – Crime Prevention**
- **45.2 – Community Involvement**
- **54.1 – Public Information.**

When the emergency planning function is working with outside organizations such as schools and businesses who are completing their own emergency plans, the outside organization will be encouraged to enroll in the Ohio Homeland Security Contact and Information Management System (CIMS) if they are eligible. This will provide these outside agencies access to information appropriate to their level of need, in a real-time environment.

46.3.4 Hazmat Awareness

All officers will be trained to the "Awareness" level for events involving chemical, biological, radiological and nuclear (CBRN) and hazardous materials. This training is required due to the fact they are likely to witness or discover a hazardous substance release. They must maintain this awareness level in the interest of making the appropriate notifications concerning the release. As a result of this training officer's will be to do the following, Recognition, Identification, Isolation/Protection, Notification and Initiation of the Incident Command System.

The training will be conducted once every three years, by the Troy Fire Department or the Miami County Emergency Management HazMat Coordinator. Newly hired employees will receive training in this area at a basic academy as required by OPOTA and during their FTO program.

52.1.1 Complaint Investigation

It is the policy of this agency that all allegations of employee misconduct be appropriately investigated and promptly adjudicated. Additionally, all reports or accusations made against members of this agency or the agency in general, from all sources including anonymous complaints, should be completely investigated in order to ensure the integrity of the agency and its members.

52.1.2 Records, Maintenance and Security

A. The Troy Police Department will investigate all complaints, alleged or suspected, either written or uttered, that are made against the Department or its employees. The Chief of Police will strictly adhere to confidentiality of these records. All files will be maintained in a secure area.

B. Complaints and disciplinary actions to be handled in accordance with the provisions of this order are alleged or suspected violations of statutes, ordinances, department rules and regulations, or orders by sworn or civilian employees, including temporary employees, of the department.

52.1.3 CEO, Direct Accessibility

A. The Chief of Police will be directly responsible for the Internal Affairs function and component, but may direct another officer(s) to conduct all or part of an actual investigation, who shall report their findings directly to the Chief of Police for review and filing.

52.1.4 Complaint Registering Procedures

A. The agency publishes a brochure outlining the procedures to follow for commenting, commending, or filing a complaint about a police department employee or policy.

1. Copies of the brochure are maintained in the lobby of the police department.

2. If a citizen wishes to inquire about laws, policy, procedure, or the handling of a particular police matter, they are encouraged to stop by or call the police department, Monday through Friday, 8 a.m. to 4:30 p.m.

a. If a citizen calls after normal business hours, they are to be directed to the on duty supervisor. The supervisor will discuss the complaint with the citizen whenever possible. The purpose of the discussion is to clarify the situation and circumstances.

3. If a citizen has a serious complaint against the department or any of its employees, he/she is encouraged to make that complaint in person at the Police Department.

52.1.5 Annual Summaries; Public Availability

A. The agency will compile annual statistical summaries, based upon records of internal affairs investigations, which are made available to the public and department employees.

52.2.1 Complaint Types

A. Complaints of a non-serious nature will be taken by the sergeant on duty or captain of the section where the officer is stationed. An informal inquiry will be conducted which may result in no further investigation or in a formal internal affairs investigation. In informal inquiries, the accused employee will be informed of the complaint.

1. Investigation of complaints of employee misconduct should be conducted by the employee's immediate supervisor. The patrol captain should be a resource to the investigative process. The following types of complaints are examples of those that can be investigated by the immediate supervisor:

a. Non-criminal complaints

b. A complaint that does not involve violence

c. Policy violations

d. It is recognized that occasional malicious and/or false accusations are made against the agency or its members. These will be investigated to protect the integrity of the agency or member in order to instill confidence in the agency.

e. The results of all informal inquiries will be reduced to writing and submitted to the patrol captain with the final disposition noted.

B. Complaints of a criminal nature or those that could potentially result in a loss of wages or benefits shall be formally investigated by the internal affairs function.

1. The criteria for determining the categories of complaints to be referred to the internal affairs function may include, but are not limited to, allegations of corruption, brutality, use of force, breach of civil rights, and criminal misconduct.

2. Activities of the internal affairs function shall include:

a. Recording, registering and controlling the investigation of complaints against members

b. Supervising and controlling the investigation of alleged or suspected misconduct within the agency

c. Maintaining the confidentiality of the internal affairs investigation and records

C. The Chief of Police or his designee shall review all complaints.

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52.2.2 CEO, Notification

A. The chief of police and/or his designee shall be immediately notified either personally or by phone of complaints of a criminal nature or those that would potentially result in an extended suspension.

B. The chief of police shall be informed in person, by memo, or by complaint form, as soon as practical, of investigations of a lesser nature.

52.2.3 Investigation Time Limits

A. There shall be a thirty-day time limit for completing Internal Affairs investigations.

1. Extensions may only be granted by the chief of police in cases in which extenuating circumstances exist, which shall be documented in the granting of the extension.

B. Status reports shall be placed in the file by the chief of police or shall be forwarded to the chief of police designee every seven days during an investigation.

52.2.4 Informing Complainant

A. The agency will provide a written verification to complainants that the complaint has been received for processing.

1. Verification should be provided in the form of a receipt to acknowledge the complainant has been furnished verification.

2. This standard does not apply to anonymous complaints.

B. The agency will notify the complainant concerning the status of complaints against the agency or employees.

1. The status will be communicated any time there is a change in status and at the end of the investigation.

2. The status of investigations should be communicated periodically during the investigation.

C. The agency will notify the complainant of the results of the investigation upon conclusion.

1. The notice shall only indicate the outcome of the investigation (e.g. whether or not the complaint was considered justified, if the complaint resulted in a review of policy, etc.), but shall not reflect the nature or extent of any personnel.

52.2.5 Statement of Allegations/Rights

A. When an employee of this agency is notified that they are the subject of an internal affairs investigation, the agency will issue the employee a written statement of the allegations and the employee's rights and responsibilities relative to the investigation.

52.2.6 Submission to Tests, Procedures

A. Medical and/or laboratory examinations may be administered in conducting internal affairs investigations.

1. Medical exams may be required of an employee; the results of which shall be reported to the agency.

2. Psychological/psychiatric examinations may be required of an employee, the results of which, in terms of fitness for employment, shall be reported to the agency.

3. Laboratory examinations or blood, breath, or urine analysis may be required of an employee if he/she is accused or suspected of being under the influence of alcohol and/or a controlled substance while on duty or while performing under color of law while off duty.

a. Employees who are accused or suspected of alcohol or drug use which would constitute a criminal offense shall be entitled to the same rights as any other citizen charged with a criminal offense.

b. Photographs of employees may be taken or file photographs of employees may be used in the course of an internal affairs investigation.

B. If photographs are used in cases of an employee accused of a criminal offense, the rights of the accused shall govern the use of the photographs.

C. Employees will only be directed to participate in a line-up as part of a criminal investigation, subject to legal evidentiary requirements and rights of any suspect, but shall not be directed to participate in a line-up strictly for internal affairs investigations.

D. Employees may be required to submit financial disclosure statements as part of an internal affairs investigation.

E. Polygraph will only be given in accordance with Chapter 26.1, rule 5.45.

52.2.7 Relieved from Duty

A. An employee may be relieved from duty or temporary administrative action due to an employee's physical or psychological fitness for duty or an action pending disposition of an internal affairs investigation.

B. If a supervisor or command officer believes that the integrity or best interest of the department requires an immediate suspension of a member due to the seriousness, particular circumstances, or possible criminal involvement of an officer, that officer may do so.

1. **The suspended member and the officer ordering the suspension shall be required to report to the office of the chief of police within twenty-four (24) hours, unless otherwise directed by the chief.**

2. **Upon hearing the facts of the case, the chief of police shall make recommendations and may require the employee to report to the office of the service and safety director or his designee on the next business day, at which time that person may take whatever actions deemed necessary.**

3. **An employee will be compensated during emergency suspension during any time the employee is relieved from duty prior to a pre-disciplinary conference.**

4. **Notification should be made to the chief of police or a command officer as soon as the officer has been relieved from duty.**

52.2.8 Conclusion of Fact

A. Whenever there has been an allegation of misconduct against an employee, the allegation is to be recorded and investigated. A report must be generated for every complaint or allegation of misconduct against an employee. An appropriate "conclusion of fact", which follows, must be included in the investigative report which addresses the conclusions as they relate to the allegations.

1. **Proper conduct is that the allegation is true but the action of the department or the employee was consistent with department policy and the complainant suffered no harm.**

2. **Improper conduct is that the allegation is true and the action of the department or the employee was inconsistent with department policy and the complainant suffered harm.**

3. **Policy failure is that the allegation is true, and although the department or employee action was not inconsistent with department policy, the complainant suffered harm.**

4. **Insufficient evidence is that there is insufficient proof to either confirm or refute the allegation.**

5. **Unfounded complaint is that the allegation is demonstrably false or there is no credible evidence to support the allegation.**

53.1.1 Procedures

A. Supervisory personnel shall be responsible for routine inspections of their subordinates.

1. Supervisory personnel shall inspect personnel for uniform appearance, compliance with dress code, personal appearance, and condition of equipment and uniforms. (See G.O. 26.1.1)

2. Patrol section officers shall be inspected by the sergeant, officer in charge of the shift and/or the Patrol Captain.

3. Detective officers shall be inspected by the Detective Captain.

4. Shift Supervisors shall be inspected by the Patrol Captain.

5. Records Clerks and other civilian employees shall be inspected by the Administration Captain.

B. Informal inspections shall be conducted on a daily basis as outlined in General Order 53.1.1. Unannounced impromptu inspections shall be conducted by the section captain at his discretion. Yearly, the captains will make a general inspection of their respective areas. This inspection should include that of the facility, departmental property, personnel and operations. This written inspection should note problems that were solved and any problems needing further attention.

1. The January inspection will include body armor. All body armor will be inspected by the officer's supervisor and the "Body Armor Inspection Sheet and Questionnaire" form will be completed. The form will be maintained in the officer's personnel file.

C. It shall be the responsibility of the supervisor at each level to conduct inspections and to correct conditions discovered by the inspection.

1. Corrective actions may include disciplinary measures.

D. All formal inspections and any informal, impromptu, or seasonal inspections which result in recommended corrective action shall require written reports. The reports shall be forwarded to the section head and then to the Chief of Police.

1. Inspection records shall be reviewed and then placed in file for use in employee evaluations.

E. A supervisor who recommends corrective action shall follow-up the inspection to ensure corrective action has been taken.

F. Supervisors shall be responsible for a daily inspection of all organizational components, facilities, property, vehicles, equipment, activities, and personnel, and shall report any deficiencies.

1. **Officers should conduct daily inspections of their assigned vehicles and equipment at the beginning of each shift. These inspections will include vehicle exterior, interior, trunk, emergency equipment, mechanical condition, and necessary forms. Vehicle deficiencies shall be reported on a purchase/repair request form. The shift supervisor shall be notified of all deficiencies noted during this inspection.**

    a. **Supervisors shall periodically inspect their subordinate's vehicles and equipment to ensure it is in good condition cosmetically and functionally, contains all necessary paperwork, contains all authorized equipment and supplies, has no dangerous or unauthorized equipment, and has operational emergency equipment. These inspections will include vehicle exterior, interior, trunk, emergency equipment, mechanical condition, and necessary forms.**

2. **Supervisors shall be responsible for inspecting activities to ensure compliance with directives.**

3. **Section heads and/or the Chief of Police may conduct inspections of components, facilities, property, equipment, activities, or personnel as deemed necessary.**

54.1.1 Activities

A. **The Troy Police Department will be committed to informing the community and the media of events within the public domain that are handled by or involve the agency.**

   1. **By providing the media and the community with information on agency administration and operations, the agency can foster a relationship of mutual trust, cooperation, and respect**

   2. **Dispatch run sheets will be placed on the board located in the media room in the lobby. The records section will check the board on a weekly schedule and remove sheets over five days old.**

B. **The Troy Police Department will be committed to being available for on-call responses to the news media.**

C. **Preparing and distributing department media releases**

   1. **Press releases shall be prepared as necessary for specific occurrences in the agency's service area or to address specific issues or concerns of the agency.**

   2. **Information about cases and statistics will be available from the agency when requested by the media.**

   3. **Any record or information relating to offenses or investigations may be released, except as follows:**

      a. **No information about cases involving juvenile arrests, including any fingerprints or photographs, may be released to the media, pursuant to Ohio Revised Code 2151.313.**

      b. **Absolutely no information shall be released concerning “confidential law enforcement investigatory records," which are defined in Ohio Revised Code 149.43 as “any record that pertains to a law enforcement matter of a criminal, quasi-criminal, civil, or administrative nature, but only to the extent that the release of the record would create a high probability of disclosure of any of the following:**

c. **The identity of a suspect who has not been charged with the offense to which the record pertains or of an information source or witness to whom confidentiality has been reasonably promised,**

d. **Information provided by an information source or witness to whom confidentiality has been reasonably promised, which information would reasonably tend to disclose his/her identity,**

e. **Specific confidential investigatory techniques or procedures or specific investigatory work product, and**

f. **Information that would endanger the life or physical safety of law enforcement personnel, a crime victim, a witness, or a confidential information source."**

4. **Absolutely no information shall be released concerning a "trial preparation record," which is defined in Ohio Revised Code 149.43 as "any record that contains information that is specifically compiled in reasonable anticipation of, or in defense of, a civil or criminal action or proceeding, including the independent thought processes and personal trial preparation of an attorney."**

5. **Information concerning cause of death shall not be released by members of this agency pending determination by the coroner's office, as provided in Ohio Revised Code 313.19.**

6. **Comments or information concerning personnel matters, internal investigations, or personal opinion not founded in fact shall not be released to the media unless specifically approved by the Chief of Police.**

7. **Press release information shall be made equally available and/or provided to the media in an equitable manner.**

    a. **Material which the agency wishes to disseminate to the media may be provided in bulletin form or through tape-recorded messages, as long as access is equally provided.**

D. Arranging for, and assisting at media conferences.

E. Coordinating and authorizing the release of information about victims, witnesses, and suspects

1. **Press releases will omit personal information of suspect, victims and all juvenile information. A copy of the report and press release will be available during normal work hours. A copy of the report will be made available for the news media at no cost with the above information being omitted.**

E. Assisting in crisis situations within the agency

F. Coordinating and authorizing the release of information concerning confidential agency investigations and operations which shall be released only by, or at the direction of the Chief of Police.

1. **Information concerning the prior criminal record, character, or reputation of the accused shall not be released to the media, except by or at the direction of the Chief of Police.**

2. **Mug shots of the accused shall not be released to the media, except by or at the direction of the Chief of Police.**

3. **Information shall not be released about the existence of any confession, admission of guilt, statement made by the accused or the failure or refusal by the accused to make a statement.**

4. **Information shall not be released about the results of any examinations or tests conducted, or the refusal of the accused to submit to any examinations or tests.**

5. **Information concerning the identity, testimony, or credibility of any prospective witness shall not be released to the media, except that the public information officer may release the identity of witnesses if such information would not prejudice an investigation or place the witness in danger.**

6. **Opinions regarding the guilt or innocence of the accused shall not be relayed to the media in any manner.**

7. **Opinions regarding the merits of the case or the quality of evidence gathered shall not be relayed to the media.**

8. **Information identifying juveniles shall not be released to the media, except by, or at the direction of, the Chief of Police.**

    a. **Information received from other law enforcement agencies shall not be released without concurrence from the other agency, and then only by, or at the direction of, the Chief of Police.**

G. **In instances in which more than one agency is involved, the agency having primary jurisdiction shall be responsible for releasing, or coordinating the release of, information.**

Social Media

Social media is a method utilized by the Troy Police Department to enhance communication and to improve the exchange of information with the public and various media sources.

While the department recognizes and endorses the use of social media as a valuable resource, this policy provides guidelines as to the uses of social media and provides guidance for its management, administration and oversight.

As personal use of social media may have a bearing on departmental personnel in their official capacity, this policy also provides information of a precautionary nature, as well as prohibitions, on its use.

For purposes of this policy, social media will refer to all types including those which may develop technology advances.

Definitions

1. **Blog: A self-published diary or commentary on a particular topic that may allow visitors to post responses, reactions or comments. The term is short for "Web log."**

2. **Page: The specific portion of a social media website where content is displayed and managed by an individual or individuals with administrator rights.**

3. **Post: Content an individual shares on a social media site or the act of publishing content on a site.**

4. **Profile: Information that a user provides about himself or herself on a social networking site.**

5. **Social Media: A category of internet-based resources that integrates user-generated content and user participation. This includes, but is not limited to, social networking sites (Facebook, Myspace, and Google Plus), micro-blogging sites (Twitter, Nixle), photo- and video-sharing sites (Flickr, YouTube), wikis (Wikipedia), blogs and news sites.**

6. **Social Networks: Online platforms where users can create profiles, share information and socialize with others using a range of technologies.**

7. **Speech: Expression or communication of thoughts or opinions in spoken words, in writing, by expressive conduct, symbolism, photographs, videotape or related forms of communication.**

8. **Web 2.0: The second generation of the World Wide Web focused on shareable, user-generated content rather than static web pages. Some use this term interchangeably with social media.**

9. **Wiki: Web page(s) that can be edited collaboratively.**

A. <u>Department-Sanctioned Use</u>

Official department social media sites are a valuable tool which may be used by agency-authorized personnel for purposes which will enhance information sharing by the department or to inform the public as to important events and/or information. As such, personnel will follow a specific strategy and procedures when sharing information via departmental social media.

1. **Strategy**

    a. **The strategy will include an introductory statement which clearly specifies the purpose and scope of the agency's presence on the social media website.**

    b. **When appropriate and possible, the website should contain a link to the Troy Police Department official website.**

c. **In developing the strategy, steps will be taken to ensure the social media pages are designed for the target audience and are appropriate for the target audience (i.e. youth, recruits, senior citizens, etc.)**

2. Troy Police Department Social Media Site Procedures

a. **Departmental social media sites and their content will be approved by the Chief of Police or his designee.**

b. **Departmental social media sites will indicate they are maintained by the Troy Police Department and have department contact information displayed in a prominent location.**

c. **All content shall adhere to applicable laws, regulations and website policies. This shall include adherence to all applicable departmental and city policies. Departmental social media users should keep in mind that social media content is subject to public records laws, and certain records retention schedules may apply.**

d. **Whenever possible, departmental social media sites shall state that the opinions expressed by visitors to the site do not reflect the opinions of the Troy Police Department or the City of Troy. Social media sites will also clearly state that the department reserves the right to remove any comments that are deemed to be inappropriate. This may include obscenities, personal comments, racial comments, etc.**

3. Guidelines for Troy Police Department Social Media Site Use

a. **Troy Police Department personnel using departmental social media for departmental purposes shall conduct themselves at all times as positive representatives of the department and shall adhere to all departmental rules of conduct, policies and shall observe proper protocols and decorum.**

b. **Employees will also identify themselves as an employee of the Troy Police Department while they are a presence on the Troy Police Department social media site.**

c. **While using departmental social media sites for departmental use, employees will not make any statements concerning the guilt or innocence of any suspect or make any editorial**

comments regarding pending prosecution or other information about pending criminal cases.

d. While using Troy Police Department social media sites, employees will not disseminate in any manner confidential information to include photographs or videos related to any departmental activities, training, or work related assignments without permission from the Chief of Police or his designee.

e. Troy Police Department employees shall abide by all copyright and trademark restrictions when posting any material to a social media site.

Disclaimer for use for investigative purposes

A. <u>Encouraged Departmental Uses of Social Media</u>

Social media offers an excellent opportunity for the Troy Police Department to improve service to the public in many ways. This includes criminal investigations, community outreach projects, as well as the recruitment of new employees. As such, the following are examples of departmental social media uses which are encouraged by the Troy Police Department.

1. **Locating missing persons or wanted persons.**
2. **Investigation of crimes perpetrated online via the use of social media or other internet based media tools.**
3. **Photos or videos of a crime/suspect by a witness.**
4. **Solicitation of tips/information about unsolved crimes.**
5. **Online reporting of criminal or suspicious activity.**
6. **Providing crime prevention tips to the public.**
7. **The sharing of crime analysis information.**
8. **Coordination of Neighborhood Watch efforts and information.**
9. **Informing the public of road closures, special events or weather emergencies.**

10. Recruitment

a. Social media should be used for recruitment of both civilian and sworn personnel.

b. Social media and other internet-based resources may also be used by background investigators when conducting background investigations of new employees. Information pertaining to a protected class will be filtered out and not provided in work product to employment decision makers.

c. Background investigators will observe all applicable laws and policies when using internet search methods for a background investigation.

d. Investigatory techniques shall be applied uniformly to all candidates.

D. <u>Personal Use of Social Media</u>

Troy Police Department personnel are expected to abide by the following policies when using social media.

1. Troy Police Department personnel may express themselves as private citizens on social media sites to the degree that their speech does not do any of the following:

a. Impair working conditions of the department for which loyalty and confidentiality are important.

b. Impair in any way the performance of required duties.

c. Impair discipline and harmony among coworkers.

d. Negatively affect, in any way, the public perception of the Troy Police Department.

2. As public employees, departmental personnel are reminded that speech on or off duty, made pursuant to their official duties, is not necessarily protected speech under the First Amendment and may be the cause for discipline if deemed detrimental to the Troy Police Departmental. This includes postings or information placed on any social media site.

3. **Troy Police Department personnel shall not post, transmit or otherwise disseminate any information to which they have access as a result of their employment with the City of Troy without written permission from the Chief of Police or his designee. This includes any information gained as a result of their authority or any information that could reasonably be considered to represent the views of the Troy Police Department.**

   Employees may request this permission through a memorandum addressed to the Chief of Police and submitted through the chain of command.

4. **For safety reasons, officers should not disclose their employment with the Troy Police Department on a social media site. Officers should also not disclose any information about another member of the department without the consent of that other member.**

5. **Officers who are working undercover assignments are not to post any form of identification--visual or in print--on any social media site. Doing so would significantly compromise the safety of that officer.**

6. **Since social media sites are open for view to the general public, department employees are required to adhere to the department's Rules of Conduct in the personal and/or professional use of social media. This would include the prohibition of the following types of behavior:**

   a. **Obscene or sexually-explicit language, images or acts.**

   b. **Statements or other forms of communication that ridicule disparage or otherwise express bias against any race, religion, or other protected class of individuals.**

   c. **Speech involving themselves or other department personnel reflecting behavior that would reasonably be considered reckless or irresponsible.**

   d. **Any behavior, act or communication that would bring the department or its personnel into disrepute.**

7. **Employees are prohibited from using social media at work for personal reasons if this use inhibits their ability to complete their regularly-assigned duties.**

8. **Engaging in prohibited speech noted in this policy may provide grounds for undermining or impeaching an officer's testimony in criminal proceedings. As with any departmental policy, employees sanctioned under this policy are subject to discipline up to and including termination.**

9. **Troy Police Department employees should keep in mind that information created, transmitted, downloaded, exchanged or discussed in a public online forum is, in fact, public information and may be viewed by the department at any time and without prior notice.**

E. Policy Review

This social media policy will be reviewed by the Command Staff on an annual basis to ensure it is up to date with changing technological concerns.

54.1.2 Policy Input

A. If a policy or procedural change in the police department develops concerning the media, representatives from the various media will be encouraged to participate in the development of the policy or procedure.

54.1.3 News Media Access

A. The access of media representatives, including photographers and Videographers, to a crime scene or the scene of major fires, natural disasters, or other catastrophic events shall be controlled by the officer in charge of the scene (See General Order 46.1.3.). The guidelines for media access should be communicated to the media by the OIC and are the following.

1. **Access will only be granted as long as it does not interfere with the law enforcement operations.**

2. **No media representatives shall be admitted to a crime scene until all evidence has been processed, to ensure the integrity of the scene.**

3. **After the evidence has been processed and the scene secured, the media may be allowed past the perimeter of a scene established for the general public, and may be allowed to bring their equipment, vehicles, etc. inside the general perimeter, as long as their movements will not interfere with the on-site investigations or will not interfere with control and containment of the scene and as long as their personal safety is not in jeopardy.**

55.1.1 Summary of Rights

A. The Troy Police Department is committed to the development, implementation and perpetuation of victim/witness assistance. The rights of victims are outlined in Ohio Revised Code §2743.51, 2743.71, 2921.04, 2937.081, 2943.041, and 2945.07. The rights of witnesses are outlined in Ohio Revised Code §2317.29, 2921.02, 2921.03, 2921.04, 2931.30, 2935.23, 2937.16, 2937.18, 2937.19, 2939.25, 2939.26, 2939.27, 2945.04, 2945.46, 2945.49, Criminal Rules 16 and 17, and Evidentiary Rules 601 through 616. All the above information is outlined in the "Your Rights and Responsibilities as a Crime Victim." The department recognizes the rights of victims and witnesses including the following:

1. **To be treated with dignity, compassion and fairness**
2. **To be free from intimidation**
3. **To be informed of their role in the justice process**
4. **To the prompt return of property being held as evidence**
5. **To be informed of social service agencies that can provide further assistance**
6. **To be informed of financial compensation available to victims of violent crimes**

55.1.2 Analysis, Need/Services

A. The Miami County Prosecutor's Office maintains full time Victim/Witness personnel. The Troy Police Department works and cooperates with the Victim/Witness Program.

B. The agency will do a documented review of the victim/witness assistance needs and the available services within the agency's service area at least once every three years.

55.1.3 Policy/Procedure Development

A. The Victim/Witness Division of the Miami County Prosecutor's Office will be primarily responsible for the implementation of victim/witness services programs. Troy Police Department patrol officers, patrol supervisors, and detectives will be primarily responsible for initial response to calls for service, informing the victim/witness of available resources and services, preliminary investigation of complaints, follow-up investigation, prosecution of criminal cases, and referrals to other agencies or organizations.

1. Officers responding to a call for service/crime scene should first insure the safety and welfare of all persons involved, summon EMS personnel if necessary, engage in conflict mediation or other alternatives to formal routes through the criminal justice system, and/or arrange other forms of assistance which may be rendered on the scene.

2. The officer in charge of the preliminary investigation will provide the victim/witness with names and telephone numbers for contacts at the prosecutor's office, and court, in order for the victim/witness to ask questions and/or provide additional information.

3. Periodic contact with the victim/witness should be maintained by the investigating officer if there are sufficient probability factors to actively pursue the case.

a. If a case is closed or classified as inactive or unfounded, the victim/witness should be notified and informed of the reason(s) for the classification.

B. To the extent consistent with the Ohio Revised Code and other applicable laws, the records and files of victims and witnesses and their role in case development will be kept confidential.

C. The agency will periodically inform the public and media about the agency's victim/witness assistance services.

1. Additional information may be provided as special circumstances and/or situations arise within the community, and/or to specific target groups within the community.

D. The agency will maintain contact with other criminal justice agencies and with public and private sector agencies and organizations concerned with victim/witness needs and rights.

1. **All members of this agency will maintain a positive and professional image with other agencies and organizations serving victims/witnesses.**

2. **Members of this agency should not discount the wide variety of alternatives to a traditional contact (e.g., warning, citation, arrest). Depending upon circumstances, referrals to social service agencies may be appropriate.**

55.2.1 Initial Assistance

A. The Miami County Communications Center (MCCC) shall serve as the primary point of contact for emergency and non-emergency calls for victim/witness assistance.

1. Members of the public shall be able to contact the police department at any time, through the MCCC, and officers can contact MCCC to speak with the on-call victim/witness advocate.

B. Referral information is available 24-hours a day regarding services offered in the agency's jurisdiction by other organizations for victims/witnesses in need of medical attention, counseling, and emergency financial assistance.

1. The Communications Section shall serve as the primary point of contact for these calls. Referral calls may be forwarded to Troy Police Officers.

2. Referral information may also be provided in person by an officer who responds to a call for service/information dispatched by the Communications Section.

55.2.2 Assistance, Threats

A. This agency will provide assistance to victims/witnesses who have been threatened or who, in the judgment of the agency, express specific, credible reasons for fearing intimidation or further victimization.

1. This assistance may be limited to extra patrol, residence or business checks, video surveillance, or movement to a shelter agency. In extreme cases, this assistance may include surveillance and/or protection by specially assigned officers.

55.2.3 Assistance, Preliminary Investigation

A. During the preliminary investigation, the investigating officer will provide information to the victim/witness about applicable services to include medical attention, compensation programs, emergency financial assistance, and victim/witness advocacy.

1. A formal victim/witness advocacy program exists through the Miami County Prosecutor's Office (Miami County Victim Witness Assistance Program) and they may provide assistance or further referrals for victims/witnesses.

B. Victims/witnesses will be advised what to do if threatened or intimidated by the suspect(s), the suspect(s) companions, friends, family, or associates.

1. Ohio Revised Code sections which protect victims/witnesses include: 2921.02 Bribery, 2921.04 Intimidation of a crime victim or witness, and 2945.04 Victim or witness protection orders.

C. Victims/witnesses will be given the agency incident number, when available, to reference the case, the name of the officer responsible for the report, and the subsequent steps in the processing of the case.

1. This information may not be readily available at the time of the preliminary investigation. The information may be provided in a subsequent contact with the victim/witness, or the victim/witness may be instructed to call the agency during normal business hours to receive the information.

D. Victims/witnesses will be provided with the agency telephone number(s) to call to report additional information about the case or to receive information about the status of the case.

1. This requirement may be met by the investigating officer's inclusion of a business card on the Miami County Victim Witness Program pamphlet distributed pursuant to this policy.

55.2.4 Assistance, Follow-Up Investigation

It shall be the policy of the Troy Police Department that all victim/witness assistance services be directed through the Miami County Victim Witness Program. This is a program that is operated by the Miami County Prosecutor's Office and is available for assistance 24 hours a day by first contacting dispatch who will then notify the on-call advocate.

A. If, in the opinion of the department, the impact of a crime on a victim/witness has been unusually severe and has triggered an above average need for assistance from the Victim Witness advocate, the investigating officer or his designee, may wish to periodically contact the victim/witness or the advocate to determine whether their needs are being met.

B. Along with their personal support for victims/witness's, the Victim Witness Program produces a pamphlet that the officers can distribute explaining the procedures of the justice system and what victim/witness's can expect at each court proceeding.

C. The Troy Police Department will work in conjunction with the Victim Witness Program Advocate in the scheduling of line-ups, interviews and other required appearances for the victim/witness and, if requested, may provide transportation if it is feasible.

D. Whenever possible, victim/witness property taken as evidence by the department will be promptly returned (with the exception of contraband, disputed property, and weapons used in the course of the crime). Officers should consult with the law director, prosecutor and Ohio Revised Code whenever questions of law or rules of evidence are in doubt.

E. Whenever there is a traumatic incident such as a rape, child abuse, sexual assault, or similar incident, the on-call Victim Witness advocate should be advised of the situation and requested to respond to the scene or in certain circumstances they may meet the officer at a different location such as the hospital or the police department.

55.2.5 Assistance, Suspect Arrest

A. When possible, the Troy Police Department should notify the victim/witness when a suspect is arrested, including the charges and the arrestee's custody status.

55.2.6 Next-of-Kin Notification

A. Notification of next-of-kin of deceased, seriously injured, or seriously ill persons shall be accomplished in a prompt and considerate manner.

1. Whenever possible, assistance should be obtained from a clergy member, relative, or close friend.

2. Requests for notification made by other agencies shall be confirmed, prior to delivery, preferably by teletype.

B. If possible and practical, a representative from the requesting agency should accompany the officer from this agency who is making the notification.

C. These procedures shall apply for both accident and non-accident situations.

61.1.1 Selective Enforcement Activities

1. **Traffic collision compilation and review will be done by the Patrol Captain on a quarterly basis. The following categories will used in the study:**

    a. **The three locations with the highest collisions, rated highest to lowest**

    b. **The top three causative factors, rated highest to lowest**

    c. **The time of day and day of week with the most collisions**

    d. **A copy shall be given to the Chief of Police and another copy placed in the sergeant's conference room or roll call. The Patrol Captain will see if any trends are present and will direct patrols from these trends.**

2. **The Patrol Captain will perform a compilation and review of traffic enforcement activities. The review will be done by using the speed trailer report and data from the report system. Patrols will be directed in any areas that indicate potential trends. Reports will be forwarded to the Chief of Police and Patrol Sergeants.**

3. **The Patrol Captain will make a comparison of the collision data and the enforcement activities. The objective is to direct appropriate enforcement efforts towards violations, not only in proportion to the frequency of their occurrence in the collision situations but also in terms of traffic-related needs identified in the agency's service area.**

4. **Selective enforcement shall be undertaken in those areas where a comparison of traffic collisions and violations indicates that special attention is needed. Or areas where specific categories of unlawful driving behavior are being observed and or reported. Patterns of causes and/or sudden increases in the number and severity of collisions or violations are reasons for extra enforcement activity at a given location. When the city's engineering department or the police department becomes aware of a particular problem that may or may not be reflected in crash report data, communication between the agencies will occur if necessary and steps will be taken to correct the problem.**

5. **The police department shall conduct statistical and visual surveys to determine by location, time and day of week the predominant violations that are causing collisions. Patrol units should be deployed to:**

a. **Observe and report traffic flow**

b. **Look for improper driving behavior**

c. **Be alert for hazardous environmental conditions**

d. **Identify and act on emergency and other service needs**

    a. **Traffic enforcement activities are performed in conjunction with routine patrol responsibilities.**

6. **In March of every year, the Patrol Captain will forward a report to the Chief of Police with an evaluation of selective traffic enforcement activities for the past year.**

61.1.2 Uniform Enforcement Procedures

A. Physical Arrest

1. Officers should affect the arrest of any person in violation of those traffic laws that are punishable as a misdemeanor of the 1st degree or above and the officer believes any of the following:

a. A bond is necessary to insure the violator's appearance in court or to make a determination of a bond or release on recognizance

b. A physical arrest is necessary to allow for the booking and processing of a prisoner

c. Any other extenuating circumstances that would require the person to be taken into custody

d. There may be other incidents in which a violator should be physically arrested. The decision to affect a physical arrest should be based upon sound legal principles as opposed to peripheral issues such as the violator's "attitude."

B. Citation (Notice to Appear)

1. The issuance of a traffic citation is applicable in the majority of cases for those violators residing within the boundaries of the jurisdiction in which the case will be adjudicated.

2. The traffic citation should be issued to all violators who jeopardize the safe and efficient flow of vehicular and pedestrian traffic, including hazardous moving violations, parking violations, and operating unsafe and/or improperly equipped vehicles.

C. Warnings

1. **Warnings verbal, can be a proper alternative by officers in response to a minor traffic infraction committed in those areas where traffic collision potential is minimal. Warnings can be given for moving and equipment violations (i.e. speeds slightly in excess of the legal limit, license plate light out which the driver was unaware).**

D. Appropriate action

1. All sworn officers shall take appropriate enforcement action for each violation of the law witnessed or reported to them.

2. Enforcement action does not provide the officer a privilege to scold, belittle, berate, or otherwise verbally abuse a traffic offender.

61.1.3 Violator Procedures

This policy contains methods of handling particular situations, which, by legislative mandate, require a law enforcement response of a different nature than would be required under normal circumstances

A. Non-Resident Traffic Violators

1. **If a minor misdemeanor traffic citation is issued by an officer pursuant to ORC 2935.26, and the violator does not reside within the jurisdiction of the Miami County Municipal Court, the officer may do one of the following, as outlined in 2935.27 of the ORC:**

    a. **Request the person, if they have a current valid Ohio operator's or chauffeur's license and have been notified of the alternative under division (b) of this section and of the possible consequences of these actions as outlined in 2935.27 O.R.C., to sign the citation to ensure the person's appearance at the time and place stated in the citation.**

    b. **If the person does not have a current valid Ohio operator's or chauffeur's license the person will be required to post a bond in accordance with the uniform bond schedule. Violators unable to post a bond will be taken before the court for arraignment or held in jail until the next session of court.**

2. **Residents of states belonging to the Non-Resident Violator Compact will be issued a citation and, contingent upon signing the citation, released.**

B. Juveniles

1. **Generally, juveniles who have committed a traffic violation will not be taken into custody but will be issued a traffic citation with a court date ordered by the court, with the following exceptions:**

    a. **Driving while impaired by alcohol or drugs**

    b. **Vehicular Homicide**

    c. **Driving after revocation or suspension of license**

d. **Any other traffic offense that would be punishable as a felony if the offender were an adult.**

2. **In all cases where a juvenile is taken into custody, the officer is responsible for notifying the juvenile's parents of the circumstances as soon as reasonably possible.**

3. **If the officer deems that further custody is required pending a hearing, they must contact the on-call juvenile probation officer for authorization to incarcerate in the juvenile detention center. All juvenile custody situations will be handled in accordance with the provisions of these General Orders.**

C. United States Congressmen and State Legislators

1. **Members of the United States Congress shall in all cases, except treason, felony and breach of the peace, be immune from arrest during their attendance at the session of their respective houses, and in going to and returning from the same; and for any speech or debate in either house, they shall not be questioned in any other place.**

2. **Members of state legislatures in some cases have the same immunity granted to members of Congress. The common law prevails which privileges them from arrest while attending, going to or returning from a session of their respective houses.**

D. Foreign Diplomats / Consular Officials

1. **Diplomatic and consular officers should be accorded their respective privileges, rights, and immunities as directed by international law and federal statute. These officials should be treated with the courtesy and respect that befit their distinguished positions. At the same time, it is a well-established principle of international law that, without prejudice to their privileges and immunities, it is the duty of all persons enjoying such privileges and immunities to respect local laws and regulations.**

2. **Diplomatic immunity, a principle of international law, is broadly defined as the freedom from local jurisdiction accorded to duly accredited diplomatic officers, their families, official staff, and servants, who are not nationals of nor permanently resident in the receiving state. They are protected by unlimited immunity from**

arrest, detention, or prosecution with respect to any civil or criminal offense under current U.S. law (22 U.S.C. 252).

3. **Ambassadors and ministers are the highest-ranking diplomatic representatives of a foreign government. Other diplomatic titles are Minister Counselor, Counselor, First Secretary, Second Secretary, third Secretary, and Attaché. Diplomatic officers, their families, official staff, and servants are protected by unlimited immunity from arrest, detention, or prosecution with respect to any civil or criminal offense.**

4. **Career consular officials can be identified by credentials issued by the State Department. The State Department credential bears its seal, the name of the officer, his title, and the signatures of State Department Officials. Honorary consular officials do not receive identification cards from the State Department, but may exhibit reduced size copies of the diplomatic note evidencing recognition by the United States Government. These individuals are not immune from arrest or detention. Family members of a Consular Officer cannot claim immunity.**

5. **The United States is obligated under international treaties and customary international law to notify foreign authorities when foreign nationals are arrested or otherwise detained in the United States. In cases when foreign nationals are arrested, you should:**

    a. **Immediately inform the foreign national of his right to have his government notified concerning the arrest/detention**

    b. **If the foreign national asks that such notification be made, do so without delay by informing the nearest consulate or embassy**

    c. **Foreign consular officials have the right to visit their arrested/detained nationals unless the arrestee/detainee objects to such visits**

6. **Law enforcement authorities should telephone the U.S. Department of State immediately concerning any questions that arise in connection with the foregoing procedures at (202) 647-4415. Written inquiries may be addressed to Office of the Assistant Legal Advisor for Consular Affairs, Department of State, Washington D.C. 20520.**

E. Military Personnel

1. **As a general policy, no physical arrest will be made on any military person going to, remaining at, or returning from his duty station. However, on occasion it will be necessary to issue a traffic citation, effect a physical arrest, or investigate a traffic accident involving a member of the armed forces. Armed forces personnel, for these purposes, will include regular members of the Army, Navy, Air Force, Marine Corps, Coast Guard, National Guard and reservists who are on active duty.**

2. **Traffic Arrest**

    a. **When a physical arrest is made, a shift supervisor will notify the liaison officer of the nearest armed forces investigative headquarters division. This does not apply to the issuance of a traffic citation.**

3. **In any situation where U.S. government equipment is seized, towed, or confiscated, the appropriate governmental unit will be notified.**

F. Methods for handling selected incidents, violations or minor offenses by persons privileged from arrest include:

1. **Moving Traffic Violations**

    a. **When persons privileged from arrest are stopped for a moving violation, the officer on the scene, upon being advised by the driver of their status and ascertaining that they possess the proper credentials, should exercise discretion based on the nature of the violation. The officer may warn the person of the danger of his/her actions or proceed with issuance of a citation, which does not constitute arrest or detention in the sense referred to above.**

2. **Driving While Under the Influence**

    a. **The officer's primary responsibility in these instances is to care for the safety of the individual and the public. Based upon a determination of the circumstances, the officer may take them to the police station, complete necessary paperwork and arrange for their immediate release to a responsible party.**

61.1.4 Informing The Violator

1. **Any citation issued to a traffic violator shall clearly indicate the court date and court time assigned to the violator.**

2. **Any traffic citation issued to a traffic violator shall clearly indicate whether or not a court appearance is mandatory.**

3. **Any traffic citation issued to a traffic violator shall clearly indicate whether the defendant may be allowed to enter a plea and/or pay the fine by mail or at a traffic violations bureau.**

    1. The issuing officer shall provide a copy of the Miami County bond schedule that indicates how the citation can be paid along with the bond amount.

4. **The issuing officer shall advise the operator that failure to appear or pay a waiver may result in the forfeiture and cancellation of their license for one year in Ohio and/or in any of the states who are members of the Non-Resident Violator Compact.**

    1. Non-Resident Violator Compact states include: Alabama, Arizona, Arkansas, Colorado, Connecticut, Delaware, Florida, Georgia, Hawaii, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Minnesota, Mississippi, Missouri, Nebraska, Nevada, New Hampshire, New Jersey, New Mexico, New York, North Carolina, North Dakota, Oklahoma, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Utah, Vermont, Virginia, Washington, D.C., West Virginia and Wyoming.

    2. The defendant's copy of any traffic citation shall be completed by the officer prior to being presented to the violator.

    3. In issuing a citation, the officer shall:

        a. Explain the citation to the violator,

        b. Point out the court date and time,

        c. Indicate whether an appearance is mandatory, and

        d. Indicate if a plea may be entered and how to dispose of the citation by posting bond.

61.1.5 Uniform Enforcement Policies

A. This agency will adopt the following uniform policies for countermeasures and enforcement regarding drivers who operate a vehicle under the influence of alcohol/drugs.

1. This agency will take steps to train and equip its officers to detect and apprehend the drug/alcohol impaired driver.

2. Officers will be encouraged to file charges on drug/alcohol impaired drivers.

a. Officers should file a charge which establishes the probable cause for the initial contact with the violator.

b. Officers will file a driving while intoxicated charge when the officer believes there is reasonable cause.

3. Any violator testing over the "per se" limit shall be additionally charged with this offense.

4. Any officer confronted with a case of "physical control" of a vehicle shall file appropriate charges.

5. The officer has the option of physically arresting the violator or issuing a citation for the offense.

B. Officers frequently encounter drivers who are unable to produce a valid operators license and who may be under suspension or revocation.

1. If the officer is certain that the violator's license has been suspended or revoked, the officer should arrest the driver.

a. The officer has the option of physically arresting the violator or issuing a citation for the offense.

b. If it appears that the offender is going to drive in disregard of suspension or revocation, then physical arrest would be an appropriate option.

c. The LEADS printout may serve as sufficient evidence of the suspension or revocation and shall accompany the citation to court. A certified copy of the driving record should be requested from BMV for evidentiary purposes.

C. The agency will adopt the following uniform policies concerning speed enforcement.

1. **Officers should normally issue warnings for speed violations up to and including nine miles per hour over the speed limit.**

2. **A violator exceeding the speed limit by ten to fourteen miles per hour may be warned or cited, depending on the seriousness of the violation and on conditions and circumstances.**

3. **Officers should normally issue citations when a violator's speed exceeds the speed limit by fifteen or more miles per hour.**

4. **The decision to warn or cite a violator will ultimately rely on an officer's judgment based on the conditions and circumstances at the time of the violation; however, hard, fast adherence to a set policy is not to be substituted for common sense or human understanding.**

D. This agency will adopt a policy of aggressive enforcement of hazardous, moving traffic violations, particularly in high hazard and high collision locations.

1. **Consideration shall be given to the type of violation, the area of occurrence, the time of occurrence, the volume of traffic, and whether the violator was aware of the law or statute applicable to the infraction (e.g. improper right turn on red).**

2. **The decision to warn or cite a violator for a hazardous moving traffic violation will ultimately rely on an officer's judgment based on the conditions and circumstances at the time of the violation.**

E. Officers will take appropriate action for violations they observe related to illegal on-road use, registration violations, equipment violations, and licensing violations committed by operators of off-road vehicles.

1. **Upon complaints from citizens regarding excessive noise, trespassing, and/or property damage, officers will attempt to identify violators and file appropriate charges.**

2. **In cases of trespass or property damage to private property, officers will advise complainants of the necessity to be willing to file charges.**

3. **Officers dealing with juvenile offenders should take appropriate enforcement action for traffic law violations.**

F. **This agency will adopt a uniform enforcement policy for equipment violations.**

1. **When a vehicle is found to be in violation of several equipment requirements, a citation should be issued for the one most serious violation.**

2. **A citation should generally be issued when a fixture is missing of which the owner is obviously aware.**

3. **The decision to warn or cite a violator for an equipment violation will ultimately rely on an officer's judgment based on the conditions and circumstances at the time of violation.**

G. **Public carrier/commercial vehicle violations**

1. **Public and commercial carriers will be treated the same as the general motoring public. Uniform enforcement policies and procedures delineated in this directive are applicable to the public and commercial carriers.**

H. **Officers will generally issue one citation in the case of related, multiple, non-hazardous violations stemming from the same operation.**

1. **Non-hazardous violations are defined as violations of laws or ordinances affecting the use or protection of streets or highways, but not enacted primarily to regulate safe movement of vehicles and pedestrians (e.g. registration violations, use of occupant safety devices).**

2. **The decision to warn or cite a violator for a non-hazardous moving traffic violation will ultimately rest on an officer's judgment based on the conditions and circumstances at the time of the violation.**

I. **The agency will adopt the following uniform enforcement policies for multiple violations.**

1. **Enforcement of hazardous violations will follow established warning and citation tolerances in multiple as well as single violations.**

2. **It is the exception rather than the rule for an officer to refrain from issuing a citation for a second hazardous violation when the violation is serious enough to fall within citation tolerances.**

3. **A second offense should not be issued when one offense is an all-inclusive charge, such as reckless operation.**

4. **The decision to warn or cite a violator for multiple hazardous moving traffic violations will ultimately rest on an officer's judgment based on the conditions and circumstances at the time of the violation.**

J. Newly enacted laws and/or regulations.

1. **Newly enacted laws and regulations should not be vigorously enforced until the general public has been made aware of them and had a chance to adjust to them. Newspaper articles and radio and television broadcasts may be means to inform the public of what the new laws or regulations are and when vigorous enforcement is going to start.**

2. **Warnings are the preferred course of action during the first 30 days of the newly enacted law.**

K. Officers should take enforcement action when their traffic collision investigation or reporting activities provide probable cause to believe that a law or ordinance has been violated. The judgment to issue a citation should be based on the totality of the circumstances surrounding the collision. These circumstances may include, but not be limited to: area of occurrence, time of occurrence, volume of traffic, degree of negligence, amount of damage and whether injuries were involved. If probable cause is evident, the investigating officer shall issue a citation. If a decision is made not to issue a citation in a non-injury collision, a statement of justification shall be provided on an attached OH-2 and subject to supervisor approval.

1. **More than one person involved in the collision may have contributed to the collision and, therefore, more than one person may be cited/arrested/warned as a result of the crash reporting and investigating process.**

2. **An officer's specific enforcement action arising from traffic crash investigation or reporting (e.g. physical arrest, citation, written warning, etc.) will be consistent with the nature of the alleged violation and with this agency's policies concerning traffic law enforcement.**

3. **Before taking any enforcement action, the officer must establish all elements of the violation.**

L. Pedestrian and bicycle traffic enforcement

1. **Whenever an officer observes a traffic violation involving a pedestrian or a bicycle operator, the officer should consider taking enforcement action. Depending on the severity and flagrancy of the violation, the officer may cite, warn or counsel the violator.**

    a. **Officers are particularly encouraged to take action when the violator is a child. Correcting unsafe or unlawful practices while the child is young may well influence the child to obey the traffic laws and hopefully extend proper and safe practices to when the child operates motor vehicles.**

    b. **If particular patterns or incidents of pedestrian or bicycle violations or collisions are found to exist, selective enforcement programs may be instituted to combat the problems.**

M. It will be the policy of the Troy Police Department that traffic enforcement will be fairly and uniformly applied in all cases. Enforcement that is based solely on race, creed or religious background will not be tolerated.

61.1.6 Enforcement Practices

A. Visible traffic patrol

1. **Based on the principle that the most effective deterrent to traffic law violations is visible patrol in a marked vehicle and in the interest of maintaining a posture of prevention as opposed to apprehension, traffic law enforcement activities will normally be conducted through visible traffic patrol.**

2. **Officers shall drive patrol vehicles in accordance with existing laws and in such a manner as to demonstrate proper, courteous driving behavior.**

3. **Area, line, or directed traffic patrol may be utilized to accomplish preventive/enforcement measures.**

B. Stationary observation

1. **In those areas where fixed-post (stationary) observation is necessary to maximize the effectiveness of a selective enforcement effort, officers shall park in a conspicuous location and in such a manner that traffic flow is not impeded.**

C. Use of unmarked or unconventional vehicles

1. **Unmarked or unconventional vehicles normally are not used for traffic law enforcement. However, unmarked or unconventional vehicles may be used to run radar for or in conjunction with marked chase vehicles.**

2. **Traffic officers shall be in marked cruisers and shall be in full uniform when enforcing traffic regulations.**

D. Use of roadside safety checks

1. **While officers should be aware of unsafe vehicles and conditions, our department does not conduct roadside safety checks. The department will assist other agencies as manpower allows.**

61.1.7 Stopping/Approaching

This policy is a guide for conducting vehicle stops of traffic violators. Officers will act in a courteous and proper manner as directed by the circumstances of the particular stop.

A. The following procedures are for patrol officers initiating a traffic stop.

1. **Inform the dispatcher of the vehicle registration number, including the state and type, and stop location prior to initiating the first contact.**

2. **Choose the stop location carefully, avoiding curves, hillcrests and Intersections, and consider stop locations where adequate cover is available should it become necessary.**

3. **Activate emergency equipment to stop the suspect vehicle. At night, high headlight beams, spotlight and the take down lights should be used to conceal the officer's movements from the violator and for visibility inside the stopped vehicle.**

4. **The patrol vehicle should be stopped twenty (20) feet behind the suspect vehicle and positioned dependent on officer approach tactic.**

5. **Approach the violator’s vehicle, observing both traffic and the occupants of the suspect vehicle for unusual movements.**

6. **If the violator gets out of the vehicle, they should be ordered back inside and the officer should be prepared to make evasive action should the violator continue to advance.**

7. **While approaching, watch occupant(s), check for altered license plates, check trunk to see that it is closed and locked, and observe the interior for possible weapons or hidden passengers. At night, officers should avoid passing between the lights of the cruiser and the violator's vehicle.**

8. **Stand beside the vehicle as closely as possible and to the rear of the driver. Be watchful of any passengers.**

9. **Greet the violator in a courteous manner and explain the reason for the traffic stop. Request the violator’s driver license, proof of insurance, and any other necessary documents.**

10. **Keep a constant view of the violator's hands. Have the violator reach outside, preferably with the left hand. The officer should take the driver's license or other documents with his non-gun hand.**

11. **Check the vehicle operator through the mobile computer for license validity, driving record and wants or warrants.**

12. **While in the police vehicle, keep constant observation on the violator's vehicle and occupants.**

13. **When returning to the violator's vehicle, observe again for changes in the vehicle.**

14. **Return documents to the violator and fully explain your enforcement actions.**

15. **Serve the traffic citation, if any, and explain the procedure to post bond or necessity to appear in court.**

16. **Allow the stopped vehicle to re-enter traffic flow.**

17. **Turn off emergency equipment and other auxiliary lights before re-entering traffic.**

B. Unusual circumstances of a vehicle stop may indicate an unknown risk. There are two pattern techniques that may be used for unknown risk stops: walk-back and walk-thru. The walk-back can be transitioned into a walk-thru pattern if the situation requires.

1. **<u>Walk-back</u> – After the stop is made, the officer requests the violator to exit his vehicle and to come back to the cruiser, stopping at the left front tire. While standing behind the trailing edge of the cruiser door, the officer greets the violator and conducts the business of the stop.**

2. **<u>Walk-thru</u> – The officer exits the cruiser, moves around behind the cruiser, and into position behind the open door of the passenger door of the cruiser. The officer requests the violator to exit his vehicle and to come back to the cruiser, passing between the vehicles and stopping at the right front tire. While standing behind the trailing edge of the cruiser door, the officer greets the violator and conducts the business of the stop. The walk-thru can be utilized when traffic is heavy and/or when extended contact**

with the violator is needed (i.e. OVI, arrest, field interrogation, etc.)

C. Special procedures should be used when conducting high risk traffic stops. High risk traffic stops include stops made on vehicles known or believed to contain dangerous criminal suspects, where weapons are known or suspected to be present in the vehicle, or when information has indicated that an occupant of the vehicle is wanted on a felony warrant.

1. **Inform the communications center of the intent make a high risk stop of the vehicle, the nature of the stop (i.e. wanted person, weapons in vehicle, etc.) and request a back-up unit to respond to assist with the stop.**

2. **Choose a stop location carefully, considering traffic, pedestrians, lighting, road grade, availability of cover, etc.**

3. **When at all possible, the traffic stop should not be made until a back-up unit is in position to assist the primary police unit.**

4. **When the suspect vehicle has been stopped, the primary patrol vehicle should be positioned twenty (20) feet behind and offset <u>left</u> six (6) to eight (8) feet. The back-up patrol vehicle should be positioned twenty (20) feet behind and offset <u>right</u> six (6) to eight (8) feet. Additional back-up patrol vehicles can be positioned as needed.**

5. **Establish control of the vehicle occupant(s) by issuing verbal commands using the public address system. Give clear, concise commands to occupant(s) of the stopped vehicle to direct their removal, one at a time, beginning with the driver.**

6. **Secure and search the occupants of the vehicle, then conduct a search of the suspect vehicle after determining that there are no hidden occupants.**

61.1.8 Officer-Violator Relations

A. Officers should approach a traffic violator in a professional manner, keeping in mind that the image projected bears significantly on a violator's future conduct and the violator's perceptions of law enforcement.

B. Traffic stops have two objectives which the officer seeks to achieve. The first objective is to take appropriate enforcement action, and the second is to favorably alter the violator's future driving behavior. This requires a thorough understanding of human relations and demands flexibility of the officer. The following procedures are recommended to minimize conflict, which may develop between the officer and the violator and assist in achieving the two objectives.

C. Once the officer has stopped the violator and approached to a point where communication can begin, relations between the officer and violator are activated. The officer should:

1. **Be alert at all times for the unexpected, but not obviously apprehensive.**

2. **Be certain that the observations of the violation were accurate without reservation.**

3. **Present a professional image in dress, grooming, language, bearing and emotional stability.**

4. **Be prepared for the contact by having the necessary forms, if they are to be used, immediately available.**

5. **Decide on the appropriate enforcement action based upon the violator's behavior, not attitude.**

6. **Greet the violator with appropriate title and in a courteous manner.**

7. **Inform the violator of the traffic law he/she has violated and the intended enforcement action; the violator should not be kept in suspense.**

8. **Ask for and accept the violator's driver’s license and registration, if needed.**

9. **Obtain other documents of identification if the driver has no license.**
10. **Allow the driver to reasonably discuss the violation.**
11. **Complete the forms required for the enforcement action taken or exercise a verbal warning.**
12. **Explain to the violator what he/she is supposed to do in response to the action taken.**
13. **Make sure the violator knows when and where to appear if the action requires a court appearance. Explain any alternatives to the violator, but do not predict the actions of the court. Refer questions about the appearance to the court.**
14. **Be alert for any emotional stress exhibited by the driver. If the stress is present, the instructions may have to be repeated or the violator may need to calm down before resuming driving.**
15. **Return the identification papers, registration and a copy of the warning or citation to the violator.**
16. **Assist the violator in safely re-entering the traffic flow.**

61.1.9 Speed-Measuring Devices

A. Equipment specifications

1. **Equipment specifications for speed measuring devices shall meet or exceed National Highway Traffic Safety Administration standards.**

B. Operational procedures

1. **Officers having radar units in their vehicles shall use the following procedures.**

    a. **The radar counter unit and antenna shall be placed on the dash of the cruiser and both units shall be firmly secured on the dash.**

1. **If an Electronic Countermeasure (ECM) unit is supplied with the radar unit, it shall be placed in a convenient location.**

2. **No portion of the radar unit shall be placed in the trunk of the cruiser.**

3. **Hand-held radar units, when transported, shall be stored and secured in a manner that protects the unit from damage and provides easy access for the officer.**

2. **Tuning forks shall be stored together in a secure location which is easily accessible.**

3. **The radar unit, if utilized, shall be plugged directly into a 12-volt DC outlet and will not be pigtailed with other devices to insure a constant, uninterrupted voltage to the radar.**

4. **The radar operator will check the radar unit for calibration prior to beginning his/her patrol duties and will check the radar unit after any citation or warning is issued for a speed violation and again at the end of the radar operator's shift.**

    a. **The operator shall use the manufacturers recommended practices, to include internal and external calibration checks of the instrument.**

C. Proper care and upkeep

1. **The radar/laser operator will be responsible for the care and upkeep of the speed measuring devices, including taking the unit out of service if it does not meet calibration checks or otherwise appears to be inoperable.**

    a. **The operator shall indicate the nature of the problem or defect and place the unit out of service.**

2. **At least annually, the radar units and tuning forks are to be sent to an authorized repair facility for maintenance check.**

D. Maintenance and calibration records.

1. **Maintenance and calibration records are to be maintained and filed by the head of Administrative Section.**

E. Operator training and certification

1. **Operators may be trained by attending department approved training or may be trained by an officer who has successfully completed that training.**

61.1.10 Alcohol Enforcement Program

It is the policy of the City of Troy Police Department to deter persons under the influence of alcohol and/or drugs from driving, and to actively enforce the applicable laws to the State of Ohio regarding OVI.

The Troy Police Department will fully support an OVI countermeasure program against alcohol and drug impaired traffic offenders and enforce the laws related to driving while intoxicated and other statues restricting drinking and driving. This Department will make OVI enforcement as one of its priorities and to reduce alcohol and/or drug related traffic offenses by the patrol section.

A. Training - Alcohol and Detection and Prosecution (ADAP) is a part of the Ohio Peace Officer Training Commission's basic training curriculum for certification of new police officers.

If an officer of the Troy Police Department has not received (ADAP) through a basic academy it is the policy of this department to have that officer receive that training/certification as soon as practicable after their assignment to the patrol section.

Each member assigned to the patrol section will be trained in the operation of the Intoxilyzer 8000 machine located in the processing area of the police department. It is the responsible of the officer to keep their Datamaster certification current with the Ohio Department of Health.

B. Equipment – To assist the officers in processing alcohol and drug impaired drivers the department has a Intoxilyzer 8000 machine located in the processing area.

As the department has available portable breath testing instruments (PBT) will be provided for use by the department, this is to assist the officers in the field on alcohol detection.

C. Testing – When a subject is suspected of operating a vehicle under the influence of alcohol and or drug, or a combination of them and is placed under arrest for the suspicion of a OVI. Officer then must follow all laws associated with 4511.19 and BMV 2255.

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61.1.11 OVI Procedures

A. An officer's observations are crucial in detecting the drug/alcohol impaired driver and in establishing the probable cause upon which an arrest decision is made.

1. **Officers should recognize and identify specific driving behaviors that often indicate a driver is impaired.**

2. **Officers should recognize and identify other behavior occurring during vehicle stops that provide further indications that the driver is impaired.**

3. **The officer should make notes of the behavior(s) that led him/her to believe a driver was impaired and should include these notes as a part of his/her arrest report, in addition to listing the probable cause offense(s) on the Bureau of Motor Vehicles Form 2255.**

4. **Officers should exercise due care in stopping or pursuing the impaired driver, since their actions or reactions may be very unpredictable.**

5. **The officer shall notify communications of the location, license plate number and/or vehicle description and the reason for the stop.**

6. **Once the vehicle is stopped, the officer will not allow the driver to move the vehicle until the officer determines whether or not the driver is fit to drive.**

7. **Approach the vehicle with caution, obtain operator's license, registration, and other appropriate documents, and interview the driver and occupants.**

8. **Officers should recognize and identify behaviors and attitudes during face to face contact with the driver that provides indication that the driver is impaired.**

9. **Officers should note all observations leading to the suspicion that the driver is impaired. If the officer believes probable cause exists to support his/her suspicion that the driver is impaired, the driver should be requested to exit the vehicle for further investigation.**

a. **If the vehicle was not observed in motion, the officer should determine if probable cause exists to charge the driver with OVI or physical control.**

b. **The driver should be directed to a safe location to conduct the field sobriety tests. It is not recommended that field sobriety tests be conducted in the space between the violator's vehicle and the patrol vehicle.**

10. **Select and administer appropriate field sobriety tests to assess impairment, e.g. horizontal gaze nystagmus, walk and turn test, one-leg stand, etc.**

11. **The officer will formulate an appropriate arrest decision based on the evidence accumulated from all the previous steps.**

    a. **Proper arrest and processing procedures, including any chemical test(s) allowed by law, are necessary to ensure the successful prosecution of an OVI case.**

        (1) **If all elements of the OVI or physical control violation have clearly been established, the officer shall arrest the driver.**

        (2) **The subject shall be searched and handcuffed.**

        (3) **The officer will make arrangements to secure the vehicle and property and arrange for the transportation or safety of any passengers.**

        (4) **The subject will be transported to the police station for testing and processing.**

        (5) **During the transport, if not done previously, the officer should have dispatch conduct a driving records and wants and warrants check on the violator. A copy of the violator's driving record should be obtained and attached to the citation.**

        (6) **Violators charged with OVI offenses shall be cited to appear in the Miami County Municipal Court within five working days from the date of the infraction.**

B. Breath and/or urine tests shall be conducted as follows.

1. **The officer will read the applicable portions of the Bureau of Motor Vehicles Form 2255, including "implied consent," in the presence of a qualified witness and will show the violator a copy of the form.**

    a. **Testing - An officer qualified to perform a test will conduct the chemical test specified in accordance with Ohio Department of Health requirements, including completion of all test report forms required by Ohio Department of Health administrative rules.**

2. **Each and every time the breath testing instrument is cycled, the evidence ticket shall be attached to the appropriate test report form.**

3. **If an officer requests a urine test, the urine test must be deposited into a plastic screw top container which shall be capped. The collection of a urine specimen must be witnessed to assure that the sample can be authenticated. (Ohio Administrative Code 3701.53.05(D))**

4. **If the subject's BAC does not substantiate impairment, the officer should check for drugs or a medical condition that could cause the impairment.**

    a. **For any driver whose test is at or above .08% BAC, the BMV Form 2255 shall be completed and forwarded to the Bureau of Motor Vehicles and a copy shall be presented to the operator of the vehicle.**

    b. **The operator's license shall be seized and forwarded to the Bureau of Motor Vehicles.**

5. **The officer may conduct supplementary tests in accordance with state requirements and shall inform the subject that he/she has the right to an independent test of his/her own choosing.**

6. **If the subject refuses to submit to the evidential chemical test(s), the BMV Form 2255 shall be completed and forwarded to the Bureau of Motor Vehicles and a copy shall be presented to the operator of the vehicle.**

a. **The operator's license shall be seized and forwarded to the Bureau of Motor Vehicles.**

7. **Persons arrested for disorderly conduct due to intoxication normally will not be administered quantitative tests as a part of processing, but this will not preclude the officer from using field sobriety tests, including portable breath analyzers, to establish probable cause. This should not preclude the use of quantitative tests in serious criminal cases.**

8. **The officer will complete the required forms and arrest/incident reports.**

    a. **Agency forms/computer entries will be completed as required, thoroughly documenting all evidence gathered during the investigation, and will include the results of all field sobriety and/or chemical tests administered, a completed rights waiver, if appropriate, completed consent to chemical test form, alcohol influence report form, if used, breath test report and/or urine test submission sheet, and a narrative statement of the arrest.**

    b. **Any necessary affidavits, information or arrest sheets, commitment papers and/or releases shall be completed by the officer.**

    c. **A copy of the Bureau of Motor Vehicles Form 2255 shall be forwarded along with copies of the report and all attendant paperwork to the Miami County Municipal Court.**

9. **The officer's decision whether to incarcerate or release will be based on specific statutory requirements, the ability of the subject to post bond, if required, and the ability to release the subject to a responsible third party (which is preferred to incarceration).**

10. **All reports, affidavits, and other documents will be submitted with other shift paperwork at the end of the officer's shift to be checked by a supervisor.**

C. **Procedures for arrest, based on the age of the defendant, test results, or on the basis of a refusal include:**

1. **OVI - Juvenile with BAC test from .02% BAC and above**

    a. **Arrest**

    b. **Complete BMV Form 2255, including probable cause violation or action, with indication(s) of the failing of the standardized field sobriety tests, which is set forth by NHTSA and other indications of alcohol consumption (e.g., odor of an alcoholic beverage on or about the defendant's person, fumbling for license, etc.).**

        (1) **The law requires that an officer must clearly establish probable cause for the stop and then must establish a reasonable suspicion that there was actually use or abuse of alcohol and/or drugs.**

    c. **Test**

    d. **Citation for OVI**

    e. **Statement of facts**

    f. **Release to adult, parent, or guardian or transport to the**
        1. **juvenile detention center, when appropriate.**

    g. **Operator's license forwarded to BMV**

2. **OVI - with test under .08% BAC**

    a. **Arrest**

    b. **Complete BMV Form 2255 (do not forward copy to BMV), including probable cause violation or action, with indication(s) of the failing of the standardized field sobriety tests, which is set forth by NTHSA and other indications of alcohol consumption (e.g., odor of alcoholic beverage on or about the defendant's person, fumbling for license, etc.).**

    c. **Test**

    d. **Citations**

    e. **Release from custody or transport to jail**

3. OVI

a. Arrest

b. Complete BMV Form 2255 (forward copy to BMV along with operator's license) when test is .08% BAC or above, including probable cause violation or action with indication(s) of failing sobriety tests and other indications of alcohol consumption.

(1) If blood or urine test, complete the BMV 2255.

(2) Blood or urine sample is to be forwarded to the laboratory, and the submission sheet will include information about the arrest.

(3) The BMV 2255 will be kept, pending the results.

c. The defendant shall be notified of the arraignment date and ALS prior to being released.

d. Test

e. Statement of facts

f. Citations

g. Bond, release, or transport to jail with appropriate citations and forms.

h. Vehicle may be impounded but not seized.

61.1.12 License Reexamination Referrals

A. Officers who discover a person who appears to be incompetent, physically or mentally disabled, or suffers from a disease or other conditions that prevent him/her from exercising reasonable and ordinary control over a motor vehicle will complete appropriate forms to request a re-examination by the Bureau of Motor Vehicles.

1. **A request for reexamination will be submitted on Ohio Bureau of Motor Vehicles Form BMV-2308, obtained from the Shift Sergeant.**

2. **Any physical defects must be described in detail on the form and the summary portion must be written in such detail that reasonable grounds for the reexamination are conclusively established.**

3. **The form must be reviewed and signed by the Chief of Police.**

4. **The officer shall inform the driver that a request for license reexamination is being submitted and that the driver will receive notification from the Bureau of Motor Vehicles.**

61.1.13 Parking Enforcement

A. All existing parking regulations will be enforced reasonably and impartially in all areas of the jurisdiction.

B. Officers will normally limit enforcement of parking regulations to a citation of the vehicle.

1. Officers are encouraged to check for outstanding citations or wants for a particular vehicle. In which case after a second violation, officers should consider impounding the vehicle for enforcement purposes.

C. Vehicles parked illegally on private property will be handled through the appropriate legal requirements governing the reporting, citing, and/or removal of vehicles.

D. When parking citations are issued, the officer will record the information on the original copy of the parking citation and turn in the citation for processing.

E. Enforcement of overtime parking violations in areas and zones restricted to limited time parking is the primary responsibility of the parking control officer (PCO). The Parking Control Officer position is not a sworn law enforcement officer position, and the authority for enforcement is limited to issuing tickets for parking violations. Sworn officers are empowered to enforce all parking regulations by exercising the appropriate enforcement action by arrest, citation or parking ticket.

F. Officers are encouraged to rigorously enforce parking regulations, as some violations may contribute to traffic collisions. Other regulations, although they may not directly impact preventing traffic collisions, have been enacted for the public good and thusly should be enforced when discovered, such as fire lanes, loading zones or handicapped parking areas.

1. The Parking Control Officer patrols the parking areas with parking meters, time limited parking and other parking areas such as tow away zones.

61.2.1 Reporting and Investigation

Definitions:

"Traffic crash investigation" refers to the collection of factual information identifying and describing people, roads, and vehicles involved; describing the results of the crash in terms of danger to vehicles and roadside objects, injuries to people, marks and residue on the road, and final positions of vehicles and bodies; interpretation of these facts in terms of behavior of road users involved; and, sometimes, an attempt to specify the peculiar combination of factors required to produce that particular crash.

"Traffic crash reporting" refers to basic data collection to identify and classify a traffic crash and the persons, vehicles, time, location, and planned movements involved, and possible contributing factors such as traffic law violations.

A. Crashes involving fatalities, life-threatening injuries, or disabling injuries will be fully and completely investigated by agency personnel.

1. In response to reported/actual fatal crashes, the following procedures will apply:

a. When it is evident that a fatality is involved, officers will notify a supervisor and will request notification of all other personnel who have a responsibility at the scene (i.e. traffic crash reconstructionist, detective, and Coroner).

b. Officers will note the exact location and condition of the body (bodies), so details may be included in the investigative report and diagram.

c. Officers will attempt to identify the body (bodies).

(1) If identification involves handling personal property or valuables, it shall be done in the presence of witnesses and shall be documented in the written report.

d. Any property or valuable released to another person or agency will be properly receipted by the officer.

e. The identity of the body (bodies) will not be released until proper notification of next of kin.

(1) Notification of next of kin should be accomplished as soon as possible.

f. Investigative duties directly related to the body (bodies) shall be conducted with priority to facilitate the prompt removal of the body (bodies) to the custody of the coroner.

g. Any vehicle involved in the fatal crash will be properly impounded with an investigative hold to permit a later, more thorough examination of the vehicle(s).

B. Crashes involving only property damage or less serious injuries may be reported, in lieu of investigation, although the agency will always encourage investigation of a crash rather than reporting whenever manpower and facilities allow for investigation.

C. The agency has special requirements for officers responding to hit-skip crashes.

1. Upon determining a crash is a hit-skip, officers will attempt to obtain the best possible description of the offending vehicle, the driver and/or passengers, and the direction of travel, and immediately relay this information to dispatch to be broadcast to other Troy units and law enforcement agencies.

2. If the hit-skip crash is of a serious nature, the supervisor or officer-in-charge will coordinate efforts of the agency to search the area for the vehicle.

3. Officers at the scene will attempt to locate, photograph, collect, and preserve all physical evidence which may be useful in identifying the offending vehicle, including, but not limited to, blood, hair, soil, fabric, automotive parts and accessories, and paint.

a. This function may be performed by an evidence technician, if available.

4. Officers will record statements from witnesses at the scene and, in more serious crashes, may conduct an area canvass to locate and identify other witnesses who may have information relating to the hit-skip crash.

a. **Officers may be assigned to canvass garages, service stations, and check public parking lots in an effort to locate the vehicle.**

5. **All information collected relative to the hit-skip crash will be given to officers in roll call briefings.**

6. **Officers should, when appropriate, check the location of the crash each day during the same general time frame, the same day of the week, and, if necessary, the same day of the month on which the crash occurred, in an attempt to identify the offending vehicle.**

7. **The agency may use news media resources to seek additional leads to solve the hit-skip crash.**

8. **When a suspect vehicle is located, officers will establish positive identification utilizing physical evidence collected at the scene and, if necessary, a search warrant.**

9. **Officers will arrange for an interview with the owner to determine the identity of the driver at the time of the crash.**

10. **Officers will take the appropriate enforcement action.**

D. **Officers will continue to be aware of the fact that driver impairment due to alcohol and/or drugs is a factor in many collisions and will be alert to clues or evidence of such impairment when carrying out crash reporting or investigation duties and will take appropriate enforcement action when sufficient evidence is obtained.**

E. **Crashes involving hazardous materials will be investigated, maintaining the primary objectives of officer safety, the safety of persons/property which may be affected by the hazardous material(s), and the containment of the area and the hazardous material(s).**

1. **Investigation/reporting will only proceed once the proper agencies have secured the hazardous material(s) and declared the scene safe for police personnel to enter.**

2. **Officer safety is of primary importance in all situations, particularly when toxic chemicals and/or life hazards may exist. Officers will consider their own safety before attempting to**

rescue victims. Officers should enter a hazardous or toxic environment only under unusual circumstances.

F. Generally, an officer will respond to investigate a crash occurring on private property and a written report shall be completed whenever any of the following apply:

1. An OH-1 report will be required for a hit-skip crash where major evidence is present and follow-up investigation is needed, a fatal crash, a crash where an operator is impaired due to alcohol and/or drugs, a crash where an operator has no operator license, a failure to control crash, and a crash causing damage to a city vehicle or property. These crashes will be investigated in the same fashion and following the same procedures as non-private property crashes.

2. In the event of a non-injury private property crash when none of the above factors apply, an officer shall be dispatched to the crash. The officer will complete a Troy Police private property accident form (TPD-0-96-002). This is intended to assist the involved motorists in a prevention of altercations, lack of cooperation, documentation, etc.

G. The following guidelines will govern the reporting or investigation of traffic crashes for which the agency receives late notification and cannot investigate at the scene.

1. Officers will only complete this type of report or investigation if the reporting party has sufficient information to accurately complete a report including, but not limited to, information about other driver(s) and vehicle(s) involved in the crash.

a. The officer will contact all reported parties to confirm the available information and/or to identify discrepancies.

b. If an investigation is necessary, an attempt will be made to conduct an examination of the alleged scene and, where feasible and possible, an examination of the vehicle(s) allegedly involved.

c. If a report is necessary, it will be written as accurately as possible.

2. **Notations will be made on the reports concerning the alleged date and time of the original occurrence and the date and time the crash was reported.**

H. All crashes involving agency vehicles and/or property will be fully investigated by a supervisor.

1. **The appropriate agency crash and/or injury reports will also be completed.**

61.2.2 Collision Scene Responses

A. At least two officers will respond to any reported injury or fatal crash.

1. The first officer on the scene will advise the nature and extent of injuries/casualties.

2. Officers shall take appropriate measures to protect themselves from blood borne pathogens, including the use of protective gloves, facial masks, etc.

B. At least one officer will respond to the scene of any reported hit-skip crash.

C. At least two officers will respond to any crash reported to involve an alcohol/drug impaired driver.

D. At least one officer will respond to any reported crash involving public vehicles and/or property.

E. At least two officers will respond to any crash reported to involve hazardous materials.

F. At least two officers will respond to any crash reported to involve a disturbance between principals.

G. At least two officers will respond to any crash reported to involve major traffic congestion as a result of the crash.

H. At least one officer will respond to any reported crash in which vehicles are damaged to the extent that towing is required.

I. When directed to respond to a traffic crash, officers shall choose the closest route based on traffic and weather conditions and congestion in the area of the crash.

1. Officers will drive safely to the scene in a manner consistent with the need for a prompt response.

61.2.3 Collision Scene Duties

A. The first officer on the scene of a crash will take charge of the scene upon arrival and will not surrender charge of the scene to non-law enforcement personnel unless directed to do so by a superior.

1. **Although officers will retain control of the scene, the care and control of injured persons will be left to authorized EMS/rescue personnel upon their arrival.**

2. **Officers may make recommendations for placement of EMS/rescue vehicles to protect the scene, injured persons, and workers/investigators, while still maintaining, if possible, a reasonable flow of traffic.**

3. **Officers of this agency will cooperate with law enforcement officers of concurrent jurisdictions who might respond to the scene.**

4. **In general, the first officer on the scene will retain charge until the completion of operations. However, if officers with special investigative skills are called to the crash scene, control of the scene shall be released to these officers.**

5. **If an officer is involved in a crash, the officer will exercise control over the crash scene, if able to do so, only until the arrival of another officer.**

B. The first officer to arrive at the scene of a crash shall determine if there are any injuries, and, if so, shall administer emergency medical care and/or provide basic life support.

1. **Officers will check injured persons to identify the most seriously injured or to identify fatalities.**

2. **Officers will administer emergency medical aid to injured persons, not to exceed their capabilities, and will not allow incompetent volunteers to treat injuries.**

3. **Officers will only transport injured persons under extraordinary circumstances, only with the approval of supervisory personnel, and only after preliminary emergency medical aid has been administered.**

4. **At crash scenes where there is personal injury or the imminent threat of injury, actions to deal with the injury or threat to safety will take precedence over reporting or investigating activities.**

5. **Officers shall take appropriate measures to protect themselves from blood borne pathogens, including the use of protective gloves, facial masks, etc.**

6. **The first officer on the scene will summon or confirm response from medical and/or rescue personnel to the scene and assist in getting seriously injured persons removed to medical facilities as soon as practical.**

    a. **EMS personnel shall be in charge of protocol, triage, and determining to which medical facility the injured will be transported.**

7. **The first officer on the scene shall summon any additional equipment and/or personnel necessary to stabilize or clear the scene, including wreckers, equipment to repair/replace damaged city property, etc.**

C. **The agency will maintain an awareness of the responsibilities, practices and procedures of other agencies that respond to and/or provide assistance for medical, fire, and/or hazardous material emergencies and will give control of the actual scene to fire/rescue/EMS personnel until the life and property hazards are stabilized. The agency will control the perimeter and regulate access to lessen the congestion and allow response of additional emergency equipment.**

1. **If fire is a potential threat, officers will take appropriate action to stabilize conditions by: protecting the scene; isolating the immediate area; removing persons from the vicinity of the hazard, if possible; suppressing the hazard, if possible; and summoning the fire department.**

2. **Officers will attempt to eliminate the possibility of sparks or other ignition sources, (i.e. from smoking, flares, electricity, or any other sources) to the maximum extent possible.**

3. **If fire is visible, officers will attempt to rescue persons in the vicinity of the fire, attempt to extinguish the fire, and summon the fire department.**

4. **If necessary, prudent and possible, officers will evacuate the area surrounding the fire and isolate the area until the fire is suppressed.**

5. **Officers will carefully control the movement of vehicles within the vicinity of the fire or potential hazard area, detouring traffic if necessary.**

6. **"Hazardous materials" are defined as any element, compound, or combination thereof, which is flammable, corrosive, detonable, toxic, radioactive, an oxidizer, an etiological agent, or is highly reactive and which, because of handling, storing, processing, and packaging may have detrimental effects upon operating and emergency personnel, the public, equipment, and/or the environment.**

7. **The safety of officers and the general public is of paramount importance and will outweigh all other factors when dealing with hazardous materials incidents.**

8. **Through training and information, including copies of the U.S. Department of Transportation Emergency Response Guidebook, officers will maintain a posture of identifying the material(s) involved, relay this information to the fire department, then isolate and protect the scene.**

9. **Upon being notified or coming upon the scene of any crash or incident which may involve hazardous materials, the officer will attempt to, from a distance, identify the possible presence of hazardous materials.**

    a. **If an officer determines from a safe distance that a hazardous material may be involved, the officer will not enter the area, but will immediately relay information about the incident and possible identification of the material(s) to communications and request fire department response.**

    b. **If an officer is on the scene and comes into contact with suspected hazardous material(s), the officer should immediately retreat to a safe distance (approximately three-tenths of a mile or greater) and immediately notify communications of the nature of the suspected material and request fire department and a supervisor response.**

c. **Once an officer has determined there is a possibility of hazardous materials being present, the officer shall take immediate measures, after notifying communications and requesting fire department response, to establish a perimeter of at least three-tenths of a mile surrounding the incident.**

d. **After establishing a perimeter, the officer shall begin preparations for evacuation of the area, to begin upon notification by the responding fire department.**

e. **The scene, which includes all the area inside the perimeter, shall be released to the control and authority of the fire department until such time as the fire department declares the emergency unfounded and/or under control and no longer a danger.**

10. **Supervisors should contact the Patrol Captain to keep the Captain updated as to the status of the hazardous material, the location of the command post, and ascertain what additional manpower/equipment may be needed to secure the perimeter and/or evacuate the area. (See General Order 46)**

11. **Crashes involving hazardous materials will be investigated while maintaining the primary objectives of officer safety, the safety of persons/property which may be affected by the hazardous material(s), and the containment of the area and the hazardous material(s).**

    a. **Investigation/reporting will only proceed once the proper agencies have secured the hazardous material(s) and declared the scene safe for police personnel to enter.**

    b. **Officer safety is of primary importance in all situations, particularly when toxic chemicals and/or life hazards may exist. Therefore, officers will consider their own safety before attempting to rescue victims and will only enter a hazardous environment under very unusual circumstances.**

D. **Once the crash scene is secure and the injured have been attended to, officers should immediately begin collecting information.**

1. **When a traffic crash investigation is to be conducted, the officer shall collect several types of information and evidence.**

    a. **The officer will obtain identification and preliminary statements and/or interviews from involved drivers and witnesses.**

    b. **Officers should question drivers and witnesses separately and individually concerning the crash and should request them to refrain from discussing the crash among themselves.**

2. **Although questioning of drivers and witnesses can be done at the scene of minor crashes, the officer may consider conducting more in-depth questioning and/or taking of statements at the police station.**

3. **When questioning drivers, officers will be alert for signs of drug/alcohol, physical, or emotional impairment which may have contributed to the crash.**

4. **The officer will make a field examination of vehicle components for failure or damage, will match vehicle damage to the damage of other vehicles, to other objects, and to marks on the road, and will make appropriate records of the findings.**

    a. **Officers who note faulty equipment that warrants a more thorough investigation should place a hold on the vehicle for further examination by qualified personnel, particularly if the faulty equipment may have contributed to the crash.**

    b. **Officers shall carefully note if the damaged area(s) on the vehicle coincide with other evidence and statements as to how the crash occurred. Areas of contact and induced damage to each vehicle will be noted.**

5. **The officer will examine and record the effects of the crash on the roadway, including tire marks, gouges, scuffs, etc.**

    a. **The officer should also note the road and weather conditions at the time of the crash, including the temperature.**

6. **The officer will take measurements of vehicle positions, debris, vehicle damage areas, view obstructions, etc.**

    a. **Sketches should be made to document, support, and highlight the photographs and to identify specific items of short-lived evidence.**
    b. **Scene measurements shall be taken from fixed points of reference which can be readily identified at a later time.**

7. **The officer will take photographs, if appropriate, of the final positions of the vehicles, damage to the vehicles, results of the crash on the roadway, damage to property, etc., as appropriate.**

    a. **Photographs should only be taken of crashes involving fatalities, serious injuries, municipal property (vehicles, equipment, etc.), or unusual or mitigating circumstances.**

    b. **Photographs will not normally be taken for non-injury crashes, when no report is taken, or when a report is taken by another agency.**

    c. **At least one photograph will be taken of an overview of the crash scene with permanent fixed objects included to provide a geographic reference.**

    d. **Photographs should be taken to document short-lived evidence, which may be included in diagrams.**

8. **Crash photographs submitted for processing shall be handled in accordance with the procedure outlined in General Order 83.2.2(B) and shall be marked to include the date and time the photographs were taken, the location, type of crash, and incident number.**

    a. **Photographs delivered to this agency are the property of the Troy Police Department. The photographs shall not be tampered with or removed.**

9. **The officer will collect and preserve evidence as necessary.**

    a. **Debris which may be of investigatory/evidential value should be collected before it is disturbed or removed from the scene.**

10. **The officer will be certain that information is exchanged among involved drivers/property owners.**

    a. **The officer will obtain any other information related to the crash that may be necessary for a complete investigation.**

11. **When a traffic crash is to be reported, the following type of information/evidence shall be collected.**

    a. **The officer will obtain identification and preliminary statements and/or interviews from involved drivers and witnesses.**

    b. **The officer should make a field examination of vehicle components for failure or damage, should match vehicle damage with damage to other vehicles or objects and to marks on the road, and should record conclusions.**

    c. **The officer should examine the effects of the crash on the roadway, including tire marks, gouges, scuffs, etc. to assist the officer in reaching a conclusion.**

    d. **The officer will normally take measurements when making a crash report. A notation on the report will be necessary if not done as to why.**

    e. **The officer will not normally take photographs when making a crash report.**

    f. **The officer will not normally collect/preserve evidence, although the officer may make notations about certain items relevant to the crash.**

E. **The first officer on the scene will be responsible for using the patrol vehicle's overhead lights, flares (if appropriate), and other warning devices, as necessary, to protect the scene and to alert approaching traffic.**

1. **Scene protection is especially important if crash victims, vehicles, and/or debris are in the roadway.**

    a. **The officer will be alert to actual or potential fire hazards, hazardous materials, and other hazards and will take**

actions to lessen the hazard(s), which may include summoning additional fire/EMS/rescue personnel.

2. **If a serious crash will require extended investigation and/or closing of the scene, officers should consider closing the roadway and/or rerouting traffic using signs, barricades, traffic personnel, etc.**

3. **Bystanders, other than witnesses, shall be directed to leave the scene.**

4. **Officers will conduct crash scene traffic direction and control activities, as necessary, to protect the scene, clear the roadway, promote the safe and efficient movement of traffic in the vicinity, and prevent additional collisions.**

    a. **To prevent congestion and to permit emergency vehicles to move freely and safely, officers will direct all vehicles at the scene to be parked safely off the roadway as soon as practicable.**

5. **Officers will take appropriate measures to restore traffic movement and to clear the scene as soon as practical.**

    a. **Officers will arrange for the prompt and safe removal from the scene of all vehicles and debris, keeping in mind the need to deal with injuries, hazards, and the need to obtain and to preserve evidence.**

    b. **If there are no injuries requiring immediate attention, officers will clear the roadway of vehicles and debris as soon as possible, keeping in mind the need to preserve evidence.**

    c. **If it is evident that a crash only involves property damage, officers will direct motorists involved in the crash to immediately remove their vehicles from the roadway, unless it is impossible or impractical.**

6. **When vehicles are to be driven from the scene (crash involved vehicles, emergency vehicles, etc.), officers will assist the drivers, as necessary, to safely re-enter the traffic flow.**

7. **Once the scene is cleared of vehicles, debris, etc., officers will arrange for the prompt removal and/or disposal of warning devices, such as flares, which were used to protect the scene.**

F. **Officers will be alert to prevent theft from crash scenes, particularly when emotions are extreme, where parties are injured, or when a victim is deceased.**

   1. **When officers are required to handle victim's personal property, such as for identification purposes, this shall be done, whenever possible, in the presence of witnesses.**

      a. **The witnesses should be identified in the report of the rash.**

      b. **Property left at the scene due to a driver being incapacitated or deceased shall be properly accounted for through formal impounding. (See General Order 84.1)**

         (1) **When it is necessary to release a victim's property to another person or agency, officers will utilize a receipt for the transfer of the property.**

G. **At the scene of a crash where the vehicle is to be towed and the driver and/or passengers are either removed by the ambulance, incapacitated or physically arrested by this department, the officer(s) shall secure any and all valuables prior to the vehicle being towed. The removed property will be noted on the tow slip and in the officer's report.**

   All property removed at a crash scene will then be logged into the property room with an evidence tag attached. If the property removed was purely for safe keeping, it should be noted on the tag that it can be returned to the owner with proper identification.

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61.2.4 Follow-Up Investigations

A. The agency will normally conduct specific follow-up investigations only in support of ongoing or anticipated criminal prosecution.

1. Officers assigned to a crash investigation may be required to collect "off-scene" data.

a. The investigating officer will be allowed ample time and resources to gather any data necessary for the complete and thorough investigation of a crash.

2. Officers may be required to obtain/record formal statements from witnesses.

3. Crash reconstruction may be required by the prosecuting attorney, in which case officers will assist in any manner possible with data, personal expertise, and other resources.

4. Investigators will be required to prepare formal reports to support criminal charges that result from a crash.

B. Follow-up investigation will not be performed in support of civil litigation, unless such litigation involves this agency, e.g. cruiser involved in a crash.

C. Expert and technical assistance may be used in crash investigation when the investigation exceeds the scope and nature of the knowledge, skills, and/or abilities of trained personnel within the agency.

1. The agency will seek advice and/or assistance from other agencies when that assistance is readily available.

2. Paid professional assistance will normally be sought only when prosecution for serious criminal charges is pending and when other resources within the agency and within other law enforcement or government agencies is not sufficient to establish complete investigative conclusions.

61.3.1 Traffic Engineering

A. Traffic engineering activities for the City of Troy are handled by the city engineer's office. If requested, the police department would assist or advise the engineering department in traffic engineering activities.

1. If the department receives complaints or develops suggestions concerning traffic engineering deficiencies, such complaints or suggestions are to be forwarded to the engineer's office for consideration. If the problem is a hazardous condition, the police department will attempt to immediately notify the appropriate individuals or correct it.

B. If deemed appropriate to do so or if requested to do so, accident and enforcement data may be hand delivered, mailed or otherwise transmitted to local and/or regional authorities for use or consideration in traffic engineering activities.

61.3.2 Direction/Control Procedures

A. Officers shall refer to procedures outlined in General Order 61.2.3 regarding protection of crash scenes and re-routing of traffic.

1. Officers should consider the use of flares, traffic cones, reflectors, or other temporary aids to assist in establishing temporary traffic detours.

2. Officers should consider detour signs, barricades, and other more permanent measures if it is apparent the roadway will have to be closed for some period of time for investigation or due to obstructions.

B. At all times, officers will give proper consideration to their safety while carrying out manual traffic direction and control and will employ uniform procedures (signals, gestures, etc.) to assist driver and pedestrian recognition and response to their direction. When directing traffic, the following suggestions are a recommended course of actions for officers in order to demonstrate their presence and purpose to drivers and pedestrians:

1. Officers should position themselves so they can be clearly seen, usually in the center of an intersection or street.

2. Officers should stand straight with weight equally distributed on both feet.

3. Officers should allow hands and arms to hang easily at the sides, except when gesturing.

4. Officers should stand facing or with back to stopped traffic and with the side toward traffic being directed to move.

5. Officers are encouraged to use the following standards for traffic direction and control:

a. To stop traffic, extend the arm and index finger and look directly at the person to be stopped until that person is aware or until it can be reasonably assumed the person is aware of the officer's gesture. Then, raise the pointing hand at the wrist so the palm is toward the person to be stopped. Hold this position until the person comes to a stop.

(1) If traffic is to be stopped from both directions, the procedure is repeated for traffic coming from the other direction while maintaining the raised arm and palm toward the traffic already stopped.

b. To start traffic, stand with shoulder and side toward the traffic to be started, extend the arm and index finger toward and look directly at the person to be started until that person is aware or it can be reasonably assumed the person is aware of the officer's gesture. Then, with the palm up, swing the pointing arm from the elbow through a vertical semi-circle and repeat the gesture until traffic begins to move.

(1) If traffic is to be started from both directions, repeat the procedure for traffic coming from the other direction.

6. Although right-turning drivers can often make their turns without the necessity of manual traffic control, when directing a right turn, point the index finger at and look at the driver. Then, swing the extended arm and index finger in the direction of the intended turn.

7. Left-turning drivers should not be directed to turn while directing other traffic to proceed.

a. Direct opposing vehicles to start while avoiding left turn gestures directed at turning drivers, direct them to proceed only when there is a gap in oncoming traffic, or stop and hold oncoming drivers and then direct the left-turning driver to proceed.

b. To motion the left turning driver on, while looking at the turning driver, point at the driver with the left index finger and arm extended. Then, swing the arm and index finger in the direction the driver intends to go.

8. Officers should use the whistle only to get the attention of drivers and pedestrians to direct movements. The whistle should not be used continuously, as it will lose its effect.

a. One long blast on the whistle indicates a stop signal.

b. **Two short blasts indicate a signal to start.**

c. **Several short blasts may be used to get the attention of a driver or pedestrian who does not respond to a given signal.**

9. **Directions given using a flashlight or flare need to be exaggerated due to reduced visibility.**

a. **To halt traffic, the flashlight beam or flare should be swung across the path of oncoming traffic.**

b. **For other traffic movements, exaggerate the movements indicated above, using the flashlight or flare as an extension of the index finger and arm.**

C. **The agency will continue to maintain a close working relationship with the fire department and EMS units serving the community and will continue to cooperate with them in developing and implementing plans and procedures for providing traffic direction and control support to rescue/EMS/fire operations.**

a. **The basic task of this agency's personnel engaged in traffic direction and control services at these scenes will be to maintain access to and egress from the scene by fire and other emergency vehicles.**

b. **The agency will work with the community's fire department and other emergency service agencies to develop specific protocols to insure that private and other non-essential vehicles used by their personnel to reach the scene do not block access to or egress from the scene by fire and other emergency vehicles.**

D. **The agency will continue to maintain a close working relationship with those agencies that share responsibility for coping with adverse road and weather conditions affecting traffic safety and will continue to cooperate with them in developing and carrying out mutual assistance policies, procedures, and programs to serve the public as effectively as possible when such adverse conditions exist.**

a. **Upon discovering an adverse road or weather condition, agency personnel shall notify appropriate agencies and persons for the purpose of correcting the condition.**

b. Agency personnel will provide traffic direction and control services and scene protection services in the vicinity of adverse road and weather conditions, as needed.

E. Officers will not manually operate a traffic signal, due to the electronic nature, whenever the signal is malfunctioning to assist in alleviating any traffic problems

1. In the case of a malfunctioning traffic signal, the traffic light department will be contacted in an effort to remedy the situation.

F. In the case of complete traffic signal failure, temporary portable stop signs may be obtained from the City Garage and placed in the intersection to regulate traffic. Once the temporary stop signs are erected, it is may not be necessary for an officer to manually direct traffic.

1. As soon as practical following the end of the need for the temporary traffic control device, the supervisor or OIC authorizing the use of the device will insure its removal/deactivation.

G. The agency will provide reflective traffic vests to personnel assigned to perform manual traffic direction and control functions.

a. Officers will wear reflective traffic vests/clothing, in addition to the full prescribed uniform, whenever conducting manual traffic direction and control.

i. 2. Persons conducting unscheduled manual traffic direction and control due to unforeseen circumstances, such as traffic accidents or other emergencies, will wear reflective traffic vests/clothing at all times.

61.3.3 Escorts

A. Escorts to be provided by the agency will normally be planned in advance to determine needed personnel, equipment and resource needs.

1. Escorts may be requested by outside law enforcement agencies, such as the FBI or Secret Service, for public officials or dignitaries.

a. This agency will cooperate to the fullest extent with other law enforcement/government agencies in providing escort services.

b. Escorts for funeral processions will be scheduled through the Miami County Communications Center at the time of the requested escort.

2. Escorts of oversize loads and/or hazardous cargos are governed by ICC and PUCO/ODOT regulations and will not normally involve the services of this agency.

3. This agency will not provide escorts for other emergency vehicles responding on calls.

4. Under most situations this agency shall not provide an escort to private business. Upon request by a business depositing a large sum of cash, when exigent circumstances exist an escort officer may follow the depositor to the designated facility and stand by until the deposit is safely completed. Any request must receive approval by a supervisor.

B. Under no circumstances will this agency escort civilian vehicles for medical emergencies.

1. If aid is needed immediately, EMS shall be requested at the scene and/or the driver shall be directed to the nearest medical facility.

61.3.5 Student Safety Patrol Program

A. The Troy Police Department, principally through the DARE/SRO officers, assist the local school authorities in the safety patrol program through oversight and advice.

1. The department provides uniform training and instruction to all safety patrol members in the local school system. The training and instruction relate only to the control of the students and not to control of any motor vehicle traffic.

B. Equipment and supplies for the safety patrol program are supplied by various civic and service organizations.

C. The safety patrol is monitored by patrol officers and the DARE/SRO officer. Any positive or negative practices are brought to the attention of the appropriate school officials.

61.4.1 Assistance, Highway Users

A. Because of the overall danger to the stranded motorist and also to the motorist on the roadway potentially affected by the stranded motorist, the department will offer reasonable assistance at all times to the motorist who appears to be in need of aid. This will apply to all hours of the day, but particularly during the nighttime hours when the hazards are higher.

1. Officers should be constantly alert for roadway users who appear to need assistance. Officers should freely provide information and directions upon request. In an effort to better serve the citizens, officers should not only become familiar with the streets and services of their city, but also the various services and facilities available in the area.

B. Motorists may encounter mechanical or other difficulties that require assistance or towing services and may need to rely upon the officer to assist them in obtaining these services.

1. Officers should be helpful to motorists and assist them in contacting persons who can provide the needed services. Officers should refrain from referring motorists to specific persons or businesses so as to avoid inferences of favoritism or bias.

2. Officers may request dispatch to contact a person or agency from a list of service providers who respond to assist motorists. Whenever possible, service providers should be contacted on a rotational basis to assure equitable opportunity to each provider.

C. If persons are found stranded on a roadway and exposed to hazards, officers should provide protection to those persons by offering to summon assistance for them or by offering to assist in removing them from the situation.

1. Officers may permit non-police personnel to ride in the police vehicle for the purpose of removing them from a hazardous situation when they are found stranded on a highway. Officers are to advise dispatch whenever transport is provided to non-police personnel. If an officer transports someone of the opposite sex, beginning and ending mileage is to be relayed to dispatch.

D. Upon encountering highway users involved in or threatened by fire or a medical emergency, officers are to render appropriate assistance and are to immediately request dispatch to send appropriate equipment and personnel. Officers should advise dispatch of the circumstances to assist personnel in determining the type and quantity of equipment needed and the number of personnel required.

61.4.2 Hazardous Highway Conditions

A. Roadway and roadside hazards may be contributing factors causing traffic crashes that may then result in injury to persons or damage to property. Officers have a responsibility to report these hazards, and in some instances, to take corrective action, or cause it to be taken. Some of the hazards that officers are to be alert to are:

1. Debris in the roadway

a. Small pieces of debris which the officer may consider as a type which may cause or contribute to a traffic crash should be removed from a roadway by an officer.

b. The officer should have larger pieces or amounts of debris to be removed by contacting an appropriate agency to have the debris removed.

c. If an officer is able to determine who may have unlawfully or accidentally placed debris on a roadway, the person or agency responsible is to be contacted to clean up the roadway.

2. Roadway defects such as potholes, bumps or defective or missing markings

a. These should be reported to the engineer's office or to the street dept. supervisor's office.

3. Traffic signs or signals which are missing, damaged, inoperative or visually obstructed

a. The officer is to manually direct traffic, if necessary, pending repair or replacement of a sign or signal.

b. The officer is to contact the appropriate agency so that the condition may be corrected.

4. Lack of or defective roadway lighting

a. Officers are to report lighting deficiencies that they may discover which may tend to contribute to traffic crashes.

5. **Improperly parked or abandoned vehicles**

    a. **Officers are to act to correct the hazards caused by improperly parked or abandoned vehicles found in or near a roadway through enforcement action and/or having the vehicle towed if necessary.**

61.4.3 Towing

A. When an officer is dispatched to or discovers an abandoned vehicle on the public roadway or alleyways or on private property, an attempt shall be made to locate the registered owner prior to towing or otherwise removing the vehicle. Ordinances relating to junk and abandoned vehicles are found in Section 345 of the Codified Ordinances.

1. The officer shall attempt to ascertain from the registered owner the reason for the abandonment and shall attempt to have the owner remove the vehicle.

2. If the registered owner cannot be located to move the vehicle or the owner cannot move it in a timely manner or if the vehicle is found to be stolen or abandoned by criminals, the officer is to have the vehicle towed.

    a. Generally, removal of unwanted junk or abandoned vehicles from private property is the responsibility of the property owner and the property owners are to be so advised that they have the authority to contract to have such vehicle removed.

    b. If the abandoned vehicle on private property is one that has been used in the commission of a crime, an officer is empowered to have it towed.

        (1) If the vehicle is to be processed by an evidence technician, it should be towed and placed in a secure area or building to prevent tampering, pending processing.

3. If the vehicle is being reported as a 72 hour violation, a vehicle left on private or public property for more than 48 hours without permission, a vehicle disabled mechanically, dismantled, or inoperative, a vehicle with improper or expired registration, a vehicle that fails to comply with ORC 4509.45 (proof of insurance/financial responsibility), or a vehicle or trailer that is parked on any non-parking or non-driveway portion of a lawn in residential or multi-family zoned lots, then the following guidelines apply.

a. **For a 72 hour violation, the tires shall be marked, a parking notice form will be completed and the owner will be contacted to move the vehicle within 72 hours. If the owner is not contacted, a notice sticker will be affixed to the vehicle and a copy of the notice form will be left at the owner's residence or sent to the owner by mail, if possible. A copy of the notice form will be filed at the police department.**

b. **For a vehicle left on private or public property for more than 48 hours without permission, a vehicle disabled mechanically, dismantled, or inoperative, a vehicle with improper or expired registration, a vehicle that fails to comply with ORC 4509.45 (proof of insurance/financial responsibility), or a vehicle or trailer that is parked on any non-parking or non-driveway portion of a lawn in residential or multi-family zoned lots, a parking notice form will be completed and the owner will be contacted to take the appropriate action. If the owner is not contacted, a notice sticker will be affixed to the vehicle, a parking notice form will be completed, and a copy of the notice form will be left at the owner's residence or sent to the owner by mail, if possible. A copy of the notice form will be filed at the police department.**

4. **In some instances, the department will be contacted to assist in the removal of an abandoned or junk vehicle from private property after the City of Troy has notified the property owner by registered mail to remove said vehicle and the vehicle has not been removed within the time allotted by law.**

    a. **The officer dispatched to assist will have the abandoned or junk vehicle towed to the impound lot. The officer will conduct an inventory of the vehicle, prepare an auto tow report and issue a citation to the owner of the property to whom the removal notice was sent.**

B. **Police officers are empowered to tow or remove vehicles in particular circumstances. Laws and ordinances concerning impounding or towing of vehicles are found in the following sections of the Codified Ordinances and Ohio Revised Code.**

1. **CO 303.08 - Impounding of vehicles: Redemption**

2. **CO 315.09 - Removal, impounding and return of vehicles (snow emergency)**

3. **CO 345.02 - Junked or abandoned motor vehicles prohibited**

4. **CO 345.04 - Impounding (Junk and abandoned vehicles)**
5. **CO 345.09 - Parking of motor vehicles on lawns prohibited**

6. **CO 351.01 - Police may remove unattended vehicle that obstructs traffic**

1. **7. CO 351.13 - Maximum 72 hours street parking**

7. **CO 353.15e - Municipal parking lots**

8. **Generally the circumstances which permit towing or removing a vehicle are as follows:**

    a. **The vehicle has been abandoned on public or private property.**

    b. **The vehicle is illegally or improperly parked on the streets, alleyways or other public property.**

    c. **The vehicle is stolen or has been used in the commission of a crime.**

    d. **The vehicle is obstructing traffic.**

    e. **A snow emergency or other circumstance exists where the vehicle is preventing road repair or maintenance.**

9. **Whenever a vehicle is towed to the impound lot or other secure facility of this department, an inventory is to be conducted of the items found contained in the vehicle using the following guidelines.**

    a. **The interior of the vehicle is to be thoroughly examined for personal property. If the vehicle is being towed for a reason other than that the vehicle has been used in the commission of a crime and if the glove box or trunk is locked, they are not to be forced open. If the keys are available, both should be opened and the contents inventoried.**

b. **If the vehicle has been used in the commission of a crime, it may be searched in accordance with current search and seizure law and procedure.**

c. **The investigating officer of an incident involving a vehicle containing closed containers is offered some latitude to determine whether or not in light of the circumstances a closed container should be opened. The investigating officer will be required to articulate facts in light of the nature of the search and characteristics of the container that would justify its opening. Such information will be recorded in the incident report.**

(1) **Closed containers, whether they have been opened or not, will be placed in the property room.**

(2) **The immediate supervisor should be contacted if there are any questions. The prosecutor's office may be contacted for up-to-date information concerning laws and cases, as well as the interpretation of the laws and cases.**

C. **Whenever a vehicle is towed or removed at an officer's direction, a record of such tow is to be prepared.**

1. **The tow is to be appropriately recorded by advising dispatch to initiate a complaint.**

2. **The tow of the vehicle is to be recorded in a report which concerns the incident.**

3. **An auto tow report is to be prepared whenever a vehicle is towed to the impound lot.**

4. **Release of impounded vehicles may occur only when the owner or an authorized agent of the owner appears at the police department and satisfies the following:**

a. **The owner or agent establishes proof of ownership and proper registration.**

b. **The owner or agent pays for towing.**

5. **The vehicle is not to be released if it is being held for evidence, for evidence processing or pending search relative to an on-going investigation.**

61.4.4 Traffic Safety Materials

A. The Administrative Captain will have the responsibility to maintain educational materials on traffic safety. These materials will be made available to the public in the lobby of the police department and at appropriate programs sponsored by the police department.

70.1.1 Pre-Transport Prisoner Searches

A. Before placing a detainee in a police vehicle for transportation, the transporting officer will search the detainee, making sure no weapons or contraband were overlooked. The officer should never assume a search was made by another officer. Detainees will be searched each time they come into the transporting officer's custody.

70.1.2 Searching Transport Vehicles

A. Each patrol vehicle will be examined at the beginning of each shift to ensure the vehicle has not been tampered with since last used, is free from weapons and contraband, is mechanically safe, free of damage or defect, and is properly equipped for use.

1. Each time a detainee is transported, in any vehicle, the vehicle will be examined, prior to and immediately following the transport, to ensure that no weapons or contraband are present.

B. All contraband or property seized from a police vehicle will be marked, tagged and placed in the police department's property room, with the necessary reports being submitted.

70.1.3 Procedures, Transporting by Vehicles

A. Automobiles

1. **To promote officer and detainee safety and detainee security, it is the policy of this department that, whenever possible, at least two officers are to be present when a detainee is being transported in a vehicle without safety barriers. Particularly, persons who are violent or predisposed to violence should not be transported by one officer. To avoid any unnecessary complications (i.e. positional asphyxiation), detainees will be transported in an upright, seated position.**

2. **When one or more detainees are transported in a police car equipped with a screen or barrier between the front seat and the rear seat, the detainees are to be seated in the rear seat on, or toward, the passenger's side. The detainee or detainees are to be handcuffed with their hands behind them and the handcuffs double locked. An accompanying officer, if available, will be seated in the front seat.**

3. **If the police car is not equipped with a screen or barrier between the front seat and the rear seat, and two or more officers are involved in the transport, the detainee is to be seated in the rear seat as described and the accompanying officer is to be seated in the rear seat with the detainee, with the officer seated behind the driver.**

    a. **If the car is not equipped with a screen or barrier and only one officer is conducting the transport, a detainee is to be placed in the front seat, seat belted in, with hands secured by handcuffs behind the detainee.**

B. Aircraft

1. **If a detainee is to be transported by commercial air carrier, particular policies and procedures are to be followed. Generally, the policies and procedures of individual airlines are similar, although some differences may exist. In order to assist the department and individual officers who may be involved in transporting a detainee by commercial airline, the following guidelines have been prepared.**

a. **Generally, airlines wish to be contacted concerning detainee transport at least 24 hours prior to boarding.**

b. **Airlines have the option to refuse to transport detainees at any time.**

c. **Detainees are to be accompanied by an armed or unarmed officer.**

d. **If officers are armed, weapons are to be kept out of sight.**

e. **Some airlines may prohibit armed officers.**

f. **Most airlines require a minimum of two escorting officers if the detainee is regarded as dangerous or "maximum risk".**

g. **Only one dangerous or "maximum risk" detainee may be transported per plane.**

2. **Transporting officers must have in their possession throughout the transport a letter from the Chief of Police, which authorizes the flight and identifies them, the detainee and the mission. The letter must be on official department letterhead.**

   a. **Various airline and/or airport security personnel may request to examine the letter during the transport process.**

   b. **They may also require an officer to produce his personal and departmental identification. Department identification must display a full face photo, officer's signature and an authorizing signature of the Chief of Police.**

3. **Airline officials will determine when the detainee and officers are to board the aircraft.**

   a. **Officers and detainees are usually boarded first and leave the plane last.**

4. **Airline officials will assign seats to detainees and officers.**

   a. **Detainees are to be seated away from aisles and exits. An officer is to be seated between a detainee and an aisle.**

5. **Officers and detainees are usually seated in the rearmost seats.**

6. **Airline officials inform boarding agents, pilots and flight attendants of the identity and seating of officers and detainees.**

7. **Airlines require officers to be equipped with necessary restraining devices in the event that detainee restraint becomes necessary.**

    a. **Airline policies may differ regarding in-flight handcuffing or restraints.**

8. **While on board, detainees are required to be under the control and surveillance of the accompanying officer(s).**

    a. **Detainees may not leave their seat if not accompanied by an officer.**

    b. **This also applies to trips to the lavatory.**

9. **Officers and detainees will not be served any alcohol beverages while on board the aircraft.**

10. **Detainees will be served food at the discretion of the escorting officer(s).**

11. **Officers should take no action during unrelated disturbances or hijacking unless specifically requested to do so by the captain.**

70.1.4 Interruption of Transport

A. Transporting officer(s) shall not lose sight of detainees.

1. If it is necessary for the detainee to use sanitary facilities, the transporting officer shall, at a minimum, be in a position to make certain the detainee cannot leave the facility, which may necessitate the officer checking the facility prior to use by the detainee to make certain there are not unsecured means of exit.

2. If a meal will be required during the transport of a detainee, the selection of the restaurant location shall be at random.

3. Officers transporting detainees will not stop to respond to the need for law enforcement services unless the risk to the third parties is both clear and grave, and the risk to the detainee(s) and public is minimal should the officer stop to render assistance.

70.1.5 Prisoner Communication

A. In order to ensure the safety and security of the detainee(s), transporting officers will not normally allow the detainee to communicate with others while being transported.

1. Transporting officers shall determine, prior to transport, that the detainee has been given ample opportunity to communicate with an attorney and make other privileged communications to lessen the possibility of the desire or necessity for communication during actual transportation.

70.1.6 Procedures, Transport Destination

A. Securing firearms for safekeeping

1. Upon arrival at the destination to which a detainee is being transported, officers are to abide by the firearms securing policies of the receiving agency. Generally, agencies have facilities for the temporary secure storage of weapons so that weapons are not introduced into holding or cellblock areas.

B. Removing restraining devices prior to placing detainee in cell

1. After arrival at the destination, officers are to conform to the confining agency's procedures which relate to removal of restraining devices prior to the detainee being placed in a cell.

a. Restraints will be removed at the instruction of the receiving officer.

C. Delivery of documentation to the receiving officer

1. When delivering a detainee to a facility, transporting officers are to present the appropriate documentation concerning the detainee to the receiving officer.

a. For example: charges, court orders, warrants, probation or parole holders, documents proving detainee's ID, etc.

D. Obtaining signature of the receiving officer

1. A transporting officer should document the transfer if custody of a detainee in a written report. In the report should confirm the transfer of the custody and to include the receiving official's name.

E. Advising receiving agency of potential medical or security hazards

1. The transporting officer will advise receiving agency personnel of any potential medical or security hazards posed by the detainee. This will be a verbal notification.

70.1.7 Procedures, Escape

A. If a detainee escapes while being transported, the transporting officer will initiate the following actions:

1. Immediately notify dispatch of the escape, the detainee's name and description, and any other information that can be quickly relayed to assist in the apprehension of the detainee.

2. Personally, or via dispatch personnel, notify the agency or agencies in whose jurisdiction the escape has occurred, advising those agencies the information regarding the detainee and request assistance from the agency or agencies. When necessary, request assistance and/or mutual aid from surrounding agencies, which may include additional personnel and equipment for establishing a perimeter, K-9 search, etc.

3. Personally, or via dispatch personnel, advise the shift supervisor of the escape and keep the supervisor advised of developments in recovering the escaped detainee.

B. As soon as practical following the escape, the transporting officer will file an offense report detailing the incident.

C. As soon as practical following the escape, the transporting officer will initiate criminal charges for escape and any other applicable violation(s) connected with the escape.

1. If the detainee is immediately apprehended without assistance from other personnel, the transporting officer(s) should have at least one additional unit at the scene to assist with security and transportation of the detainee.

70.1.8 Notify Court of Security Hazard

A. If a detainee is to be transported to court by officers of this department and the detainee is considered to be a security hazard, the judge is to be notified of the situation prior to the transport.

1. The judge may want additional security or shackles.

70.2.1 Prisoner Restraint Requirement

A. Officers will handcuff all persons arrested or in custody for felonies, any person being transported to or from jail, and will normally handcuff persons arrested or in custody for misdemeanors.

1. Officers may use discretion in the case of minor offenses, taking into consideration the nature of the offense, any history of resistance, escape or attempted escape, and any other pertinent information.

2. Detainees will normally be handcuffed with their hands behind their backs and the handcuffs double locked.

3. If detainees are handcuffed in front, such as for extended transportation, the cuffs will be passed through a belt to limit the detainee's movement.

B. When transporting more than one detainee, it is the preferred method of the Police Department that only one detainee will be transported per cruiser. If this is not possible each detainee will be handcuffed with their hands behind their back and the handcuffs double locked.

C. Officers may have leg restraints available to them and should use them when the detainee poses a security risk or is combative.

1. Ropes, chains, and hogties will not be used by members of the department.

D. Under no circumstances will a detainee be handcuffed to any part of the vehicle during transport.

1. All detainees will be securely restrained in the transporting vehicle with occupant safety restraining devices (seat belts) if seated in the front seat, (Ohio Revised Code 4513.263) (See General Order 41.3.3) and back seat. The buckling of detainees in the back seat will not be required if it compromises officer safety.

E. Officers transporting mentally disturbed detainees (persons exhibiting erratic, violent, or unpredictable behavior) should consider the use of forms of restraint other than handcuffs or flexcuffs, such as leg cuffs.

F. The use of restraining devices on handicapped detainees will be left to the discretion of the transporting officer, based on the degree of handicap, the type of offense involved, and other directives that may apply. If restraining devices are not utilized an additional officer should be considered for transport.

G. The use of restraining devices on sick or injured detainees will be left to the discretion of the transporting officer, based on the degree of injury or illness, the type of offense involved, and other directives that apply. If restraining devices are not utilized an additional officer should be considered for transport.

70.3.1 Sick, Injured, Disabled

A. Emergency medical services (EMS) personnel will be called anytime a detainee is, or claims to be, sick or injured.

B. Any detainee who is injured prior to or during an arrest situation will not be transported to any jail or holding facility until he/she has been transported to and offered treatment at a local hospital. If the detainee refuses treatment at the hospital, the officer will obtain a copy of the "refusal form" prior to transporting the detainee to the detention facility. This form will be initialed by the officer and given to the on-duty jailer to become part of the detainee's record. If necessary, the Troy Fire Department may be called to provide ambulance and paramedics for transportation to a medical facility.

1. EMS protocol will dictate whether the detainee is to be transported by the squad/medic crews.

2. If the detainee is to be transported by squad or medic, an officer should accompany the detainee in the EMS vehicle to the medical facility.

a. Depending upon circumstances and/or EMS protocol, an officer may accompany the EMS vehicle in a police vehicle to the medical facility.

3. If the detainee is not to be transported by squad or medic (refuses aid, EMS personnel treat at scene, etc.) the detainee can then be transported in the normal manner.

4. If possible, a copy of the EMS report should be obtained and included in the documentation of the arrest.

C. Officers required to transport a handicapped detainee will attempt to transport the detainee in the usual or customary transport vehicle.

1. A “handicapped detainee” is defined as a detainee with an anatomical, physiological, or mental impairment that hinders mobility.

2. If the extent of the handicap prohibits detainee transportation in the normal manner, the officer will consult with a supervisor to locate a commercial vehicle with appropriate accommodations to transport the party.

3. It may be feasible to transport the detainee in a customary transport vehicle while transporting devices to assist the handicapped person (crutches, wheelchair, etc.) in another manner or vehicle.

70.3.2 Hospital Security and Control

A. When a detainee is transported to a medical facility for treatment or examination, the detainee is to remain under the officer's supervision and control and is to be kept in the officer's sight whenever possible.

B. The transporting officer will remove the restraints only when it is deemed necessary and only when requested to do so by the medical staff.

C. If a detainee is to be admitted to a medical facility, the transporting officer should determine if the detainee will need to be continually guarded or if the detainee may be charged and released on recognizance at the medical facility.

1. **The officer accompanying the detainee may need to contact a supervisor of this agency to determine whether the detainee is to be guarded or is to be charged, summoned, and released on recognizance.**

2. **The decision shall be based on the seriousness of the offense, the potential threat to the community, and the probability that the detainee will appear in court.**

    a. **If the decision is to guard the detainee, extreme caution will be taken to ensure the detainee is isolated from other patients and is not left unattended or permitted to escape the immediate control of the transporting officer.**

    b. **The transporting officer will not leave the immediate area of detainee control until he/she is relieved by another officer or is instructed by a supervisor to do otherwise.**

    c. **A copy of the Upper Valley Medical Center's "Inmate Patients and Officers" will outline the hospital's policy for detainees and officers. It refers to the procedures which are to be carried out while officers are at the facility with a detainee.**

3. **For extended stays the department may seek the services of a private security service.**

70.3.3 Special Situations

A. The Troy Police Department does not provide transportation of detainees for special situations, such as visiting the critically ill, funerals, etc.

1. This agency is only responsible for detainee transportation to custodial facilities from point of arrest or processing.

a. A situation may arise as to where an officer must first transport a detainee to the hospital for medical attention, but they will then proceed to the custodial facility.

70.4.1 Vehicle Safety Barriers

A. Vehicles used primarily for transporting detainees will be equipped with a safety barrier to separate the driver from the detainee.

B. Whenever practical, detainees will be transported by a vehicle equipped with a protective barrier.

1. Any extended transport of a detainee will be in a vehicle equipped with a protective barrier.

70.4.2 Rear Compartment Modifications

A. Vehicles used primarily for transporting detainees will be modified to minimize opportunities for the detainee to exit from the rear of the vehicle.

1. Vehicles shall be modified by disabling the window actuators and the door handles to inhibit detainees from escaping.

2. All vehicles equipped with a protective screen will be modified in the above manner.

70.5.1 Prisoner ID and Documentation

A. Before transporting detainees from this agency to another facility, the transporting officer will confirm the identity of the detainee with the arresting officer and will obtain necessary documentation papers.

1. Prior to transporting a detainee, the officer shall run wants/warrants checks through LEADS/NCIC/City of Troy to ensure there are no outstanding warrants and to check for possible aliases.

2. If an officer encounters a "John Doe," the officer will document as much information as possible and process as "John Doe" until such time as the person's identity can be confirmed.

B. Proper documentation must accompany detainees being transported between facilities or agencies.

1. Detainees being transported to jail must be accompanied by the appropriate paperwork and the appropriate commitment papers.

a. Personal property removed from a detainee will be transferred with the detainee.

b. If the detainee has been treated for an illness or injury prior to being transported, documentation of the treatment will be included with the commitment papers (such as a copy of an EMS report or hospital treatment report), if available.

2. Whenever applicable, officers will have complaints and/or warrants prepared for filing with the court.

C. Information relating to the detainee's escape or suicide potential or other personal traits of a security nature shall be included in documentation that accompanies the detainee during transport.

71.1.1 Designate Rooms or Area

The Troy Police Department has a processing/testing area within the building. It is designed to provide an area for temporarily detaining persons as part of the arrest and booking process.

If more than one person is taken into the processing area at the same time, they are to be separated. At no time will persons of the opposite sex be held or processed together.

The department will not hold any person in the processing area for more than two (2) hours. This does not include the time for processing or questioning by an investigator as related to the investigation of a crime.

During the time that an officer has a subject detained, that detainee will remain under constant supervision at all times. During the processing of a detainee, two officers will be present.

71.2.1 Training of Personnel

All sworn members of the Troy Police Department will receive initial training in the use of the process area during their Field Training Officer (FTO) program. This training will address the resources that area available to department member during the processing of a detainee and contingencies for dealing with unruly or combative detainees. Officer safety issues will also be addressed during the training to reduce complacency. Officer safety is a priority of this department. Each officer will receive retraining at least once every three years.

71.3.1 Procedures

A. An officer will complete the Troy Police Department processing facility log once a subject has been detained and is taken into the processing area. The following information will be documented on that log.

   1. The pages of the log are pre-dated.

   2. The "time in" the processing area with the detainee.

   3. The "time out" of the processing area with the detainee.

   4. Officers with the detainee.

   5. The name of the detainee, the charge and the activity or event.

   6. The Troy Police Department does not serve any meals or dispense any medications.

   7. Any other personal services that are provided will be included in the officer's report narrative.

B. Once an officer has taken custody of a subject, weapons searches, "pat-downs" and frisks generally take place at the time of arrest. But once an officer has brought a detainee into the sally port of the department, a complete inventory search will be performed prior to being taking into the processing area. The inventory search will take place while the detainee is still handcuffed. All personal property will be removed and the officer will then use a metal detector wand on the subject before entering the processing area.

C. The processing area generally will be used for processing (i.e., fingerprinting and photographing, OVI testing, waiting for pickup, etc.). Detainees must remain under constant supervision at all times while in police control.

D. It is the policy of the Troy Police Department that officers will not handcuff or secure detainees to any fixed objects in the processing area or in any other place within the department.

E. Male and female detainees will be held and processed separately. Juveniles will be separated by sight and sound from adults as per Ohio Revised Code 2151.311, 2151.312 and 2152.41. Unless a juvenile is charged with a criminal charge, they will not be taken into the processing area. A juvenile being charged with a status charge, such as unruly or unruly runaway, will be detained in the lobby soft interview room.

F. After processing (fingerprinting, photographing, OVI testing) detainees will be released, released per policy 1.2.6 Alternative to Arrest, or transferred to an appropriate jurisdiction/facility (hospital, jail, etc.)

71.3.2 Immovable Objects

It is the policy of the Troy Police Department that an officer will not handcuff or secure a subject to any immovable objects in the processing area or any other place within the department.

71.3.3 Security

A. Firearms will be secured in a gun locker located at each entrance to the facility before anyone enters the processing area, except precluded for tactical reasons.

1. An employee processing a detainee elsewhere in the building shall secure his/her firearm in a gun locker or other secure area.

a. B. Intercom systems and panic alarms are located throughout the building and are monitored by the Communications Section during normal business hours.

1. An employee who needs assistance could activate the emergency button or advise dispatch of the situation on their portable radio, use a panel intercom to indicate the need for assistance, or utilize the phone intercom systems to request help. Employees also may dial 911 direct by using phones within the department or cellular phones.

B. Access to the detainee and the area which the detainee is being held shall be limited and will be controlled by the officer supervising the detainee.

C. Whenever a person is taken into custody, officers will take every possible precaution to prevent escape by exercising good judgment, sound tactics and vigilance.

1. In the event of a prisoner escape, the officer discovering the escape will immediately notify the 911 communications center. They will be provided with sufficient detail so they can broadcast the escapee direction of travel, escapee description, reason for escapee arrest and other pertinent information that is available.

2. The shift supervisor or officer in charge will be notified of the escape

a. The supervisor or OIC will be responsible for mobilizing whatever resources are necessary to attempt to immediately recapture the escapee

b. **The search for the escapee will be terminated at the direction of the shift supervisor or OIC when the escapee has been captured or further efforts to locate the escapee would be futile.**

c. **The supervisor or OIC will insure that all units and/or departments involved in the search are notified of the termination. The 911 center will also be contacted and advised of the termination.**

3. **The shift supervisor or OIC will notify the Patrol Captain as possible after the escape to advise him of the event. A report will be forwarded to the Patrol Captain at the end of the supervisor's shift with full details of the event.**

D. **A inventory search will be conducted on any temporary detainee processed by the Troy Police Department.**

1. **Weapons searches, "pat-downs" and frisks generally take place at the place of the arrest.**

2. **When an arrestee is brought into the sally port, a complete inventory search will be performed prior to taking the subject into the processing area.**

a. **While the subject is still handcuffed, all personal items are removed from their person and placed on the metal shelf.**

b. **The subject will be patted down and the "metal detecting" wand ran across the subject's person.**

c. **Once removed the items will be placed into a plastic bag to be taken into the processing area.**

E. **A security check, including a search for weapons and contraband, shall be made of the processing area or room by the officer preparing to place a detainee in that area.**

1. **The officer shall also check the area after its use to check for any weapons or contraband which may have been left by the prisoner.**

F. **Detainees will/must remain under constant supervision and visually observed at all times while in police control.**

71.4.1 Physical Conditions

The processing area within the Troy Police Department is equipped with restrooms, water and other needs of a detainee. The agency and its members are responsible to ensure that these items are provided to detainees in a timely manner.

71.4.2 Fire Prevention/Suppression

A. The department will plan and execute all reasonable procedures for the prevention and prompt control of fire in conjunction with recommendations of local fire officials, namely the Troy Fire Department.

1. The processing area has an automatic fire alarm and heat and smoke detection system which is approved in writing by local fire officials.

2. In the event a fire alarm, smoke alarm or sprinkler system is activated, an alarm will sound throughout the facility and the Troy Fire Department will be notified immediately for a standard fire response.

B. The type and location of fire equipment will be approved in writing by local fire officials.

C. To assist in the suppression of fires, the following shall be adhered to:

1. No smoking in the department (City of Troy prohibits smoking in any city-owned building)

2. No matches/lighters in the processing area

3. In the event that a fire is extinguished by department personnel, the Administrative Captain shall be notified.

D. Whenever the fire alarm system in the Troy Police Department is activated, all processing area perimeter doors automatically unlock, until the alarm is reset.

E. The Troy Police Department processing area is structurally stronger than most emergency shelters. In an emergency, like a tornado, a person would be safer in the processing area then anywhere else in the department. Keeping this in mind, an evacuation should not be taken unless there is a safer place for the detainees.

1. In the event of a fire alarm, all processing area doors automatically unlock to allow for safe exit from the area.

2. Posted in the processing area and in other predominant areas of the building is the fire escape route for the building

3. **Emergency exit signs are posted at all egress points to direct persons to points of safety.**

4. **The officer responsible for the supervision of the detainee will be responsible and will assure that the detainee is evacuated in the event an evacuation is necessary.**

71.4.3 Inspections

An inspection of the processing area will be completed weekly by a designee and the processing area checklist will be completed. If there are any adverse conditions or deflects found within the processing area, the Administrative Captain will be notified for the necessary repairs or for the adverse conditions to be eliminated.

An administrative review of the processing area and procedures will be performed at least once every three years.

74.1.2 Execution/Attempt Service, Recording

A. Whenever a member of this department serves or attempts to serve any legal process document (i.e. arrest warrant, search warrant, etc.), the department member will document such service either on an incident report or, in the case of an attempt to serve, on the 911 run sheet. The notation on the run sheet or incident report should include, at a minimum, the following information:

1. **The date and time the warrant was served or attempted to be served.**
2. **The name and unit number of the officer(s) making such attempt.**
3. **The name of the person the warrant was served or attempted to be served upon.**
4. **The method of service (i.e. confirmation of identity) or reason for non-service (i.e. no longer at this address, at work, etc.)**
5. **The location of the warrant service**

74.1.3 Warrant/Wanted Person Procedures

A. Criteria for entering notices in regional, state and federal information system.

1. The local courts have the authority and responsibility for entering warrants into the systems and they determine the criteria for such entry.

B. Criteria for receiving information from other jurisdictions.

1. Warrant or wanted persons information received from other jurisdictions by teletype, mail or telephone require that the information be verified by contacting the originating agency.

a. The LEADS computer assists greatly in these functions. The manual for the computer is located in the front dispatch area.

C. Recording the information in agency files.

1. The current warrant and wanted person information, for Miami County, is prepared by the Miami County Sheriff's Department. They are to maintain all of the active warrant files and records for Miami County. The warrant information is to be entered into the central computer system, which is accessible by all county law enforcement agencies. Print outs of the list are also available.

D. Verifying information.

1. All warrants and wants are to be verified as to status prior to taking a person into custody. Local warrants are to be verified through the Miami County Sheriff's Department or the local issuing court.

2. Warrant or wanted person information received by telephone teletype, teletype hit or mail is to be verified through the originating agency as to status prior to a person being taken into custody.

E. Canceling information.

1. **When a person is arrested on a warrant, the officer making the arrest is to cause the warrant to be cancelled by requesting dispatch to notify the originating agency that the person has been arrested. It is required that a LEADS "LOCATE" be put out if the arrestee was entered into LEADS.(see LEADS Manual)**

F. 24-Hour access to warrant section.

1. **Warrants and warrant information is accessible 24-hours a day. The warrants, for Miami County, are located at the Miami County Sheriff's Office.**

74.3.1 Procedure, Criminal Process

A. Sworn members of the Troy Police Department will execute any criminal warrant which is presented to them or which comes to their knowledge, while they are performing their duties within Troy, as governed by Ohio Revised Code Chapter 2935 and Ohio Rules of Criminal Procedure Rule 4 and Rule 4.1.

B. Sworn members of the Troy Police Department may execute criminal warrants outside of Troy when such execution is allowed, and as governed by Ohio Revised Code Chapter 2935 and Ohio Rules of Criminal Procedure Rule 4 (D) and 4 (E).

1. Persons who are served process in counties further than an adjacent county to Miami County must be brought before the court in the county in which they were arrested for bond hearing and/or extradition as provided in Criminal Rule 4 (E).

2. Except as provided in Ohio Revised Code 2935.10, which allows the court to withdraw a misdemeanor charge not served within two years of the date of issue, warrants have no expiration date. Provided legal process was begun in a timely fashion as provided in Ohio Revised Code 2901.13, or provided process has been served, warrants may be served at any time or place as outlined in the Ohio Revised Code and Ohio Criminal Rules of Procedure.

a. Persons arrested upon a warrant must be brought without unnecessary delay before the Court which issued the warrant, or they must be presented the opportunity to present bail to the Court. (Criminal Rule 4 (E)(1))

b. Time limitations for trials are set forth in Ohio Revised Code 2945.71 and are a concern of the court.

C. The issuance of a summons in lieu of arrest is discretionary on the part of the officer when the appearance of the defendant is reasonable assured. (See General Order 1.2.5)

1. Summons should not be issued when the offender cannot or will not offer satisfactory evidence of his/her identity, or when the offender has previously failed to appear in court.

D. Use of force in service of a criminal warrant will be governed by standards governing use of force in any situation. (See General Order 1.3)

1. **Forcible entry into a dwelling or other building is permissible if, after notice of the officer's intention to make an arrest, the officer is refused admittance. (Ohio Revised Code 2935.12)**

E. Officers will be familiar with those individuals who are privileged from arrest and under what circumstances these individuals are privileged from arrest.

1. **Senators and Representatives of the United States during their attendance at the session of their respective Houses, and in going to and returning from the same, except in matters of treason, felony, and breach of the peace. (U.S. Constitution Article I §6)**

2. **Senators and Representatives of the State of Ohio during their attendance at the session of their respective Houses, and in going to and returning from the same, except in matters of treason, felony, and breach of the peace. (Ohio Constitution Article II §12)**

    a. **Additionally, the executive secretary of the House, the legislative clerk of the House, clerks, sergeants-at-arms, doorkeepers, and messengers of the Senate and House of Representatives. (Ohio Revised Code 2331.11 (A))**

3. **Electors, while going to, returning from, or in attendance at elections. (Ohio Revised Code 2331.11 (B))**

4. **Judges of the courts, while attending court, and also during the time necessarily employed in going to, holding, and returning from the court which it is their duty to attend. (Ohio Revised Code 2331.11 (C))**

5. **Attorneys, clerks of court, sheriffs, coroners, constables, criers, suitors, jurors, and witnesses, while going to, attending, or returning from court. (Ohio Revised Code 2331.11(D))**

6. **Israelites and such other persons as religiously observe the last or any other day of the week as a day of worship, on such day, within, going to, or returning from their places of worship, or during the time of service, and while going to or returning therefrom. (Ohio Revised Code 2331.11 (E))**

7. **A person doing militia duty under the order of such person's commanding officer or while going to or returning from the place of duty or parade. (Ohio Revised Code 2331.11 (F))**

F. The United States is obligated under international treaties and customary international law to notify foreign authorities when foreign nationals are arrested or otherwise detained in the United States.

1. **The officer shall immediately inform the foreign national of his right to have his government notified concerning the arrest/detention.**

2. **If the foreign national asks that such notification be made, do so without delay by informing the nearest consulate or embassy.**

3. **In the case of the following countries, such notification must be made without delay regardless of whether the arrestee or detainee so wishes: Antigua, Bahamas, Barbados, Belize, China (People's Republic)*, Costa Rica, Cyprus, Czechoslovakia, Dominica, Fiji, Gambia, Ghana, Grenada, Hungary, Jamaica, Kiribiti, Kuwait, Malta, Mauritius, Nigeria, Philippines, Poland, Romania, Seychelles, Sierra Leone, Singapore, South Korea, St. Kitts & Nevis, St. Lucia, St. Vincent & Grenadines, Tanzania, Tonga, Trinidad & Tobago, Tuvalu, United Kingdom**, the republics or principalities which were formerly members of the USSR, Zambia.**

***When Taiwan nationals who carry "Republic of China" passports are detained, notification should be made to the nearest office of the Coordination Council for North American Affairs, the unofficial entity representing Taiwan's interest in the United States.**

****Contact this consulate or embassy when nationals of Anguilla, British Virgin Islands, Hong Kong, Bermuda, Monserrat and Turks and Caicos are detained.**

4. Foreign consular officials have the right to visit their arrested or detained nationals unless the arrestee or detainee objects to such visits.

5. Inquiries should be addressed to the Assistant Legal Advisor for Consular Affairs, Department of State, Washington, D.C. 20520, (202) 647-4415.

74.3.2 Arrest Warrants Require Sworn Service

A. Only sworn officers of the Troy Police Department are to execute arrest warrants.

B. Pursuant to Ohio Rules of Criminal Procedure, Rule 4, Section D 1, warrants shall be executed by a sworn officer authorized by law.

82.1.1 Privacy and Security

A. Security of and controlling access to agency files

1. **Privacy and security precautions for records will be in accordance with other agency or city policies, local ordinances, and state statutes, specifically Ohio Revised Code Chapter 149.**

2. **Security precautions for criminal history records will be in accordance with the regulations of the Ohio LEADS system, OHLEG Rules and Regulations, and U.S. Department of Justice regulations. (See G.O. 82.1.7)**

3. **Information concerning open cases shall be released in accordance to Ohio Public Information laws. Sensitive information described below shall not be released without the approval of the Administration Captain.**

    a. **This does not preclude releasing information upon order of the court (subpoena duces tecum) or upon request of the prosecutor's office.**

    b. **Case files may be prepared and forwarded to the prosecutor's office for review.**

4. **Certain records are not subject to the Public Records Act and shall not be released to the public.**

    a. **Medical records, including psychiatric and psychological reports, will not be released.**

    b. **Information having to do with history, diagnosis, or prognosis as a result of medical treatment may not be divulged.**

    c. **Adoption, probation, and parole records legally cannot be released.**

    d. **Trial preparation records will not be released.**

5. **Confidential law enforcement investigatory reports which meet the criteria below will not be released.**

a. **The information in these reports must pertain to a matter involving the enforcement of laws which is currently under investigation.**

b. **The information must also meet one or more of the following criteria: information release would create a high probability of disclosing the identity of an information source or witness who has been promised his/her identity would be kept confidential; information that creates a high probability of endangering the safety of law enforcement personnel, crime victims, witnesses, or information sources; information that creates a high probability of disclosing specific investigatory techniques and procedures; information that creates a high probability of disclosing specific investigatory work products, (for example, information gathered by the investigating agency once its inquiry has focused on a particular person, complaint, or event), but not including basic factual information about the event.**

6. **Certain other state and federal laws prohibit the release of the following information.**

   a. **The home address of an officer who is a witness or arresting officer, only during the criminal trial. (Ohio Revised Code 2921.24)**

   b. **Court orders that prohibit information release. (Ohio Revised Code 2907.11, 2953.31-32, 2953.52, 2151.358)**

   c. **Records of habitual sex offenders. (Ohio Revised Code 2950.08)**

   d. **Information maintained on students at public schools and private schools that receive public funding.**

7. **Information obtained from the LEADS/NCIC and OHLEG computer database**

   a. **All LEADS teletypes shall be left with the agency ORI header on the teletype.**

b. LEADS security breaches are the responsibility of the LEADS Terminal Agency Coordinator (TAC), who may recommend appropriate action to prevent sanctions against the Troy Police Department in their use of the LEADS/NCIC system.

c. OHLEG security breaches are the responsibility of the OHLEG Agency Coordinator (OAC) or their designee. Known or suspected security incidents including accidental or malicious computer attacks or improper use of OHLEG shall be reported to the BCI/OHLEG Support Center.

B. Accessibility to records by operations personnel after hours

1. Records and other documentation shall not be removed from the records area except upon order of the Court, (e.g. subpoena duces tecum), upon request of the Prosecutor's Office, (e.g. case summaries), by an officer for purposes of investigation or upon order of the Chief of Police. In most cases a copy of the file will be provided.

a. When a case is prepared for court, a Prosecutor's case file copy will be prepared and sent to the Prosecutor for review.

2. Operations personnel will have <u>24 hour</u> access to central records information.

a. Calls for service, incident reports, accident reports, and arrest information will be available on the computer database.

b. Shift supervisors do not have access to the Records Section after normal business hours. If a report is needed <u>after hours</u>, the Administration Captain will be contacted for access.

C. Procedures and criteria for the release of agency records

1. The Public Records Act requires that every public office must allow inspection of all records within a reasonable amount of time, during regular business hours.

2. **Records shall be made available Monday through Friday, during business hours only.**

3. **Every public office must provide copies of all public records at cost and within a reasonable amount of time.**

4. **Crash report copies, case report copies, incident report copies, and copies of photographs may be obtained upon payment of charges established by the Service and Safety Director's office.**

5. **A cash receipt shall be issued to the payee on all monies received.**

6. **Requests for records must be specific in nature and no blanket requests for documents will be honored.**

    a. **Employees will attempt to comply with requests, but, if there is a question about a particular request, the employee should ask the person requesting the report to put his/her request in writing in order that we may better serve his/her needs.**

(04-28-2017)

82.1.2 Juvenile Records

A. Methods to distinguish juvenile records

1. **Computer records are coded for juveniles to allow segregation of records.**

2. **Computer arrest records, arrest histories, and master files automatically separate juvenile records from adult records.**

3. **Typed juvenile arrest cards will be blue in color and adult arrest cards will be white in color.**

B. Fingerprints, photographs, and other forms of identification

1. **The Troy Police Department does not maintain juvenile fingerprint, photograph, or other forms of identification records at the department. Any juvenile records of this nature are sent to Juvenile Court with a criminal charge or per a court order.**

C. Physical security and controlling access to juvenile confidential information

1. **The Records Section doors are locked and controlled by key and control card access.**

2. **Only authorized personnel have access to the Records Section where the juvenile records are stored.**

D. Disposition of juvenile records after reaching adult age

1. **Disposition of juvenile records follows the Troy Police Department Schedule of Record Retention and Destruction. (ORC Section 149)**

E. Expungement, when ordered by the court

1. **The department will comply with all court orders for expungement of juvenile records.**

82.1.3 Records Retention Schedule

A. The schedule for the retention of records of the Troy Police Department shall be consistent with the requirements found in section 149.38 of the ORC.

82.1.4 UCR/NIBRS

A. The reporting system of the Troy Police Department is designed to capture the data required for the UCR. The clerks and/or officers enter the required information into the reporting system, and the appropriate UCR reporting data is generated. The UCR reporting data is then sent monthly and yearly as the submission schedule suggests.

82.1.5 Report Accounting System

A. Records staff will ensure that all reports generated by members of the department are accounted for. This will be accomplished by comparing the CAD entries to the physical, original reports.

B. Assigned complaints for follow-up reporting will be accomplished with a copy of the report with attachments being forwarded to the officer assigned to the case. The original report will be maintained in the records section.

1. **Generally a report assigned for follow-up should be completed and returned within ten working days.**

2. **A request for additional time may be granted by submission of a supplemental report requesting the extension and giving the reason for additional time.**

82.1.6 Computer File Backup and Storage

A. The server has three forms of data security: the hard drive controller is running in a RAID 5 configuration, a nightly on-site backup to a NAS device, and a nightly off-site cloud backup.

1. The RAID 5 configuration allows for the failure of a single hard drive without the risk of losing data. If failure occurs, a "hot-spare" drive is automatically utilized until the failed drive is replaced.

2. The nightly on-site backup utilizes the Windows Server Backup program to back up the data files, as well as a system image, to a NAS (Network Attached Storage) device located in the server room.

3. The nightly off-site backup uses the Online Backup Vault subscription service to encrypt and store the backup to their cloud servers over the internet. Online Backup Vault is configured to backup all existing data, including new and changed files on a nightly basis. All files are encrypted with 128-bit encryption before leaving the Police Department and are transmitted and stored in that encrypted state. Backups are mirrored on two server farms on the east and west coasts. The MIS Manager receives and reviews daily e-mail confirmation of the backup's success.

B. Administrative access is restricted by password known only to select administrative personnel. File and folder access permissions are restricted by username or group and password.

C. The server is configured to require users to change their password every 60 days and must meet minimum criteria for strength. The server automatically enforces the password policy at every logon and during password reset/change.

D. The server and all workstations have software installed that has been purchased from various manufactures. Software can be obtained from the following manufacturers.

1. All workstations and server currently use Spillman software, for report writing and record gathering. It can be obtained from the following vendor:

a. **Spillman Technologies, Inc.**
   4625 Lake Park Blvd.
   Salt Lake City, UT 84120

2. **The basic operating systems for the server and workstations are Windows Server 2008 R2, Windows 7, and Windows 10. In addition to the operating systems, Microsoft Office products are also installed on the workstations. The software can be purchased from local vendors or from the following Microsoft partners.**

   a. **Dell Products, LP**
      1 Dell Way
      Round Rock, TX 78682
      (800) 232-8544

   b. **Connection**
      732 Milford Road
      Merrimack, NH 03054-4631
      (800) 800-0019

The City of Troy's Management Information Systems (MIS) department handles all of the needs for the computer and network systems.

(05-01-2017)

82.1.7 Computerized Security Protocol

A. The security and control of criminal history records are controlled by regulations adopted by the LEADS Steering Committee.

B. Criminal history files are considered confidential and may only be used by and for law enforcement purposes.

C. Criminal history files obtained from LEADS/NCIC must be signed for by the officer requesting the criminal history, must be logged in a logging book maintained by a certified CCH (Computerized Criminal History) operator, must be destroyed if not included in official law enforcement case files, and are not to be copied or released to the public, as these records are excluded from the Public Records Act. ORC 149.430

D. Criminal History Record Information obtained through OHLEG shall not be disseminated to any outside person or agency except in accordance to OHLEG rules related to a discovery motion.

82.2.1 Field Reporting System

In general, the field reporting system of the City of Troy Police Department consists of entering data into the agency computer system for all calls for service, patrol initiated activities, and investigations. The guidelines for reporting, the forms (when appropriate) used in field reporting, and the procedures for field reporting include the following.

A. A report is to be completed whenever requested by a victim or a complainant and any of the following exist: the elements of a crime exist, any time the officer initiates an arrest for a crime, any time an officer investigates a reported traffic crash, any time an officer conducts a field interrogation report, and any time an officer wishes to make a lengthy report of a case which may be investigated later or which has particularly intricate details.

B. Forms used in field reporting

1. **Incident report**
2. **Supplemental report**
3. **Accident reports (OH-1, OH-1P, OH-2, OH-3)**
4. **Property cards**
5. **Tow slips**

C. Information required in field reports

1. **Incident reports will be filled out as completely as possible by the officer whenever a crime exists.**
    a. **A missing person incident report will be completed whenever requested by a parent or guardian of a juvenile, and whenever a complainant desires a report and/or evidence of a crime exists.**
2. **A supplemental report will be filed under the following circumstances:**
    a. **When an officer receives or obtains additional information which is relevant to any previously filed incident report.**

b. Documenting follow-up on all cases assigned.

c. When an officer recovers stolen property which relates to a previously filed report.

d. Officers will enter the supplemental report under the same incident number as the original incident report.

(1) Supervisors will be responsible to approve, and close all supplemental reports.

3. Ohio Traffic Crash Reports, accident diagrams, witness statements, and crash supplements will be completed in accordance with the Ohio Traffic Accident Procedure Manual.

a. Officers will use the state approved traffic crash report form(s) appropriate to the nature and circumstances of the particular crash when preparing written traffic crash reports.

b. Officers will complete an OH-1 as appropriate on all roadway crashes.

c. Officers will complete OH-2's on all serious property damage, injury, and/or fatal crashes.

d. Officers will submit an OH-1 on any supplemental information received.

e. Officers will submit all forms completed for inclusion in the crash record file, including rough copies.

f. In addition to the state approved forms, officers will complete, or have the principals complete, an exchange of information form for all crashes.

g. Officers will use the City of Troy form, as appropriate, for private property crash reporting.

(1) Officers will submit completed written traffic crash reports within five calendar days of the accident. (Ohio Revised Code 5502.11)

(a) In the event the crash investigation or report cannot be completed within five days, officers will submit an incomplete report, to be followed by a supplemental OH-1 upon completion of the investigation.

4. Arrest reports will consist of all booking data to be filled out as completely as possible by the officer.

5. Property cards or vehicle tow reports will be filled out by an officer any time property is received by this agency for safekeeping, evidence, or as contraband, in addition to any incident report/supplemental report which may be necessary.

D. Procedures for submitting and processing reports shall be as follows:

1. Arrest reports shall be completed prior to a member finishing his/her tour of duty.

2. Crash reports are required to be submitted at the end of the officer's tour of duty. They must be submitted to the Bureau of Motor Vehicles within five days of the crash.

a. Supplemental crash reports may be submitted to the State of Ohio in cases of continuing investigations or changes in the status of an accident (e.g. reporting blood alcohol levels or reporting a fatality which later results from injuries received in the crash).

3. All reports are reviewed by the officer's immediate supervisor, Patrol and Detective Captains. They are to ensure accuracy and that the proper procedures where taken to properly complete the required forms.

E. Incident reports should be completed prior to the end of the member's shift.

1. If circumstances arise which prevent the completion of all incident reports prior to the end of the shift, the officer in charge may determine the reports may be completed at the beginning of the member's next tour of duty. However, care should be taken, whenever possible, to complete all pending incident reports prior to departing on regular off days, vacation, etc.

2. **Traffic citations will be completed and turned in at the end of an officer's tour of duty.**

82.2.2 Reporting Requirements

A. A report is required for every incident within the jurisdiction of the Troy Police Department when:

1. **A citizen reports a crime and the elements of a crime exist**
2. **A citizen requests a report to document a complaint**
3. **An officer is dispatched or is assigned to investigate an incident**
4. **An employee of the department initiates a criminal or non-criminal case**
5. **Any incident involving an arrest, citation or summons**

82.2.3 Case Numbering System

A. All incidents of law enforcement service, to include reports, traffic crash investigations, case investigations, and miscellaneous calls for service, will be assigned a unique number by the computer system.

1. Upon entry of any incident, the computer will assign a unique sequential number, preceded by the last two digits of the year of reporting, preceded by an alpha descriptor of the type of entry. For example, a call for service in 1999 is assigned a number such as 99-12345.

82.2.4 Report Distribution

A. A copy of all reports where a person is arrested (i.e. DUI, bad check, domestic violence, etc.) will be provided to the appropriate clerk of courts along with the citation and/or arrest paperwork.

B. The Detective Captain will determine if a report should be assigned to specialized functions or organizational components (i.e. DARE/SRO Officer, detective, etc.) which may require follow-up or attention.

C. The distribution of records to the public will be governed by the provisions of the Ohio Revised Code, Chapter 149, and document requirements of the Ohio Historical Society. (See General Order 82.1.1)

82.2.5 Reports by Phone or Mail

A. Complaints or information received by telephone should be relayed to an officer.

1. The officers may handle the following complaints by telephone.

a. When the caller is relaying information only

b. When the infraction is very minor or civil in nature

c. When the call should be directed to another city department or government agency

B. Complaints or information received through the mail and emails (internet) will be evaluated by a supervisor. The supervisor may handle or assign an officer to gather information depending on the nature of the complaint. As new technologies emerge, the Troy Police Department will continue to evaluate the nature of the technologies and how those type of complaints should be handled.

C. All other calls will be answered in person by a sworn member of the agency

82.3.1 Master Name Index

A. The agency maintains an alphabetical master name index.

1. The master name files are a function of the computer database which incorporates data from all entries to the system. Manual cards are on file for occurrences prior to January 1991.

2. Master name files may be searched by name.

B. The master name index contains names of victims, complainants, suspects, persons arrested, offense and crash witnesses and reporting individuals, field interrogations, missing persons, and crash occupants.

82.3.2 Index File

A. The agency will maintain an index of incidents by type.

1. The database is capable of categorizing and counting incidents by type for calls for service, incident reports, crashes, and all other entries.

2. The agency will maintain an index of incidents by location.

B. The computer database catalogues all entries by location (address) and area/section.

1. The database may be searched by type of incident, time frame, location, or area/section.

C. The agency will maintain an index of stolen, found, recovered, and evidentiary property.

1. The property officer will be responsible for maintaining records of all property.

82.3.3 Traffic Records System

A. The Troy Police Department will maintain traffic records or will have access to one that contains at least the following information.

1. **Traffic crash data (reports/investigations/locations)**
2. **Traffic enforcement data (Citations/arrests/dispositions/locations)**
3. **Roadway hazards information**

B. All records will be maintained at the Troy Police Department with the exception of dispositions. The Clerk of Courts Office will maintain this information.

82.3.4 Traffic Citation Maintenance

A. Traffic citations will be stored by the Administrative Captain. Officers will sign out the citations recording the serial numbers of the citations that they take.

B. When citations are received, they will be inventoried prior to storage. When they are issued to officers, they will be logged on the Citation Log Sheet.

1. Once a citation is issued, the clerks will ensure that the citation is entered in the in -house computer system which is part of the master name index. The hard copies will be maintained in the records section accordance with the records retention schedule.

C. The Administrative Captain will store citations prior to issuance in the records storage room.

D. Voiding of citations

1. If an error is made while writing a citation or if citations have become damaged due to accidental exposure to rain, snow, etc., they may be administratively voided by the officer.

2. The officer shall print "void" and a concise justification for voiding on all copies of the citation and return them to his supervisor.

3. The officer will contact his supervisor as soon as possible to explain the reason the citation was voided and to permit the supervisor to review the officer's action.

4. The citation will then be processed through normal channels for accounting.

E. Loss or theft of citations

1. In the event a citation or citation book is lost or stolen, the officer to whom it was issued shall immediately notify his immediate supervisor and submit a written report through appropriate channels.

2. **Upon review and acceptance of the required report by the Administrative Captain, a copy will be forwarded to the Chief of Police.**

82.3.5 Operational Component Record

A. **Normally most original reports will be maintained within the Records Section. Copies of reports are made available to those requiring additional investigation or follow-up.**

B. **Intelligence records will be maintained within the Detective Section**

C. **Vice and drug information records will be maintained within the Detective Section.**

D. **Internal Affairs records will be maintained within the office of the Chief of Police.**

E. **Employee training records will be maintained by the Administration Captain.**

F. **Employee personnel records will be maintained by the Office of the City Personnel Director.**

82.3.6 ID Number and Criminal History

A. The Troy Police Department has a master arrest record on each individual arrested by this agency. This file will act as a criminal history for individuals arrested. For each person arrested, the department may maintain the following items.

1. **Fingerprint card (if applicable)**
2. **Photograph, with and without identification board (if applicable)**
3. **A copy of the arrest report (if applicable)**
4. **Any information that is related to the arrest. (i.e. court documents etc.)**

B. Each person arrested will have its own unique number.

C. Criminal histories are available through the LEADS/NCIC computer system.

1. **Licensed operators can gain access to state-wide and national records through this criminal history tool.**

83.1.1 24 Hour Availability

A. A crime scene investigator is available on a 24 hour basis.

1. Crime scene processors for the Troy Police Department are those members assigned to the Detective Section and those members who have completed a course of instruction certifying them as evidence technicians.

a. An on-call list of crime scene processors will be maintained by the Detective Captain who will disseminate this list to the shift supervisors and Patrol Captain.

2. The Troy Police Department has several specially-trained officers in the position of technical crash reconstructionist/investigator. If a technical crash reconstructionist/investigator is needed, the shift supervisor can approve contacting one of the officers to have them respond. If you get no response, then refer to the on-call detective list.

B. When the immediate services of a crime scene specialist are required and no crime scene specialists are on duty, it will be the responsibility of the officer in charge of the shift to notify a crime scene specialist.

1. The notification requirement may be met by notifying the "on-call" detective. (See General Order 42.1.1)

2. It will be the responsibility of the officer in charge of the shift to ensure that the scene is secured until the specialist arrives.

3. The specialist may provide instructions to on-scene personnel on how to proceed until they arrive.

83.2.1 Guidelines and Procedures

A. It shall be the responsibility of the first responding officer(s) to any crime scene to secure and protect the crime scene.

B. The Physical Evidence Manual, published and provided by the Ohio Bureau of Criminal Investigation, and the Miami Valley Regional Crime Laboratory Manual will be used as a guideline for the processing, collection and preservation of physical evidence.

1. **The officer collecting the evidence will complete a property sticker for each individual item. Items that may be placed in the same container will have multiple stickers on the packaging. The sticker(s) will be completed in accordance to General Order 84.1.1(D).**

2. **Officers that collect property are responsible for maintaining an uninterrupted chain of custody and logging the property into the Department prior to the end of their tour of duty (See General Order 84.1.1). If custody of property must be transferred in the field, the following rules apply:**

    a. **All transfers shall be documented in the officer's supplemental report.**

    b. **If evidence is being transferred to another agency the officer will complete a property tag and the receiving officer shall sign the back of the tag at "Final Release To".**

    c. **If evidence is transferred directly to a crime lab, the lab's submissions sheet will be completed, a copy of the sheet will be obtained, and the property officer will be notified.**

    d. **If applicable, the supplemental report, property tag, and/or lab submission sheet will contain the following information:**

        1. **The date and time of transfer,**

        2. **The receiving person's name and functional responsibility,**

        3. **Reason for the transfer,**

4. **Name and location of the laboratory, synopsis of the event, examinations desired, and date of transfer to a laboratory not within the agency.**

3. **For all property of evidentiary value taken from a suspect, the officer taking the property will complete a "Waiver and Consent" form that is approved by the Miami County Municipal Court. By completing this form it allows property to be destroyed or forfeited without a civil judicial hearing that is required to destroy or obtain the property which is separate from the criminal hearing. The form will be completed for all property in the following manner.**

    a. **The defendants name will be inserted on the "defendant" line.**

    b. **The day, month and year will be inserted on the "signed this ____day of _____, 20__ line.**

    c. **Have the defendant sign on the "defendant" line.**

        1. **Write refused on paperwork if the subject will not sign the form, explain in detail in narrative why the form was not signed.**

    d. **List all the property on the "property" lines, be as detailed as possible**

    e. **Sign on the "Officer" line**

    f. **Insert unit number on "unit #" line.**

4. **Recovered stolen motor vehicles will normally be impounded as evidence and will normally be brought to the department sally port for processing as evidence.**

    a. **If the vehicle is stolen from another agency's jurisdiction, the officer will contact that agency first to determine what actions they wish our agency to take, e.g. standby for their officer/wrecker to arrive, impound the vehicle to our department to process, release to registered owner, etc.**

    b. **If the vehicle is to be impounded by our agency, the officer will complete a vehicle inventory form and an**

incident report detailing the circumstances under which the agency came into contact with the vehicle, e.g. abandoned vehicle, driver arrested, etc.

1. **The officer(s) should contact dispatch to have a rotation wrecker dispatched to remove the vehicle to the sally port for processing, or to the towing firm's storage lot.**

c. **When a recovered stolen vehicle is impounded as evidence, an evidence technician will be assigned to process the vehicle and its contents.**

1. **The officer impounding the vehicle will be responsible for insuring the recovered stolen/missing vehicle is removed from LEADS and/or NCIC entry.**

2. **The officer assigned to the case will be responsible for notifying the owner of the vehicle that the vehicle has been recovered, and the status and condition of the vehicle.**

d. **Vehicles impounded by this agency for evidence should be kept in a secure location until processed.**

83.2.2 Photography and Video Tapes

A. Photographs, both conventional and digital imaging and video taping are critically important to a case to accurately document a crime scene and evidence.

1. Photographs should be taken when evidence cannot be preserved by other means.

2. Photographs should be considered in the following instances:

a. Crimes of violence

b. Death investigations

c. Serious felonies

d. Perishable goods, which may be taken in lieu of impounding the goods, such as in the case of shoplifting

e. When evidence might be damaged or destroyed (footprints, fingerprints, blood marks, tool marks, bite marks, etc.)

f. Crimes involving serious injury in order to illustrate the injury at the time of occurrence

g. At any other time when necessary for proper recording of evidence.

3. Photographs and/or video tape of crime scenes should be taken by personnel trained photography and video procedures. (See General Order 83.2.4)

4. A scale will be used in the field of view for relative size comparison, as deemed necessary by the photographer, in addition to an unscaled photograph.

5. Video taping of crime scenes may be used as a substitute for, or in addition to, still photography. However, video taping shall be done at serious felony crime scenes.

6. **Photographs should not be taken for insurance company reports or when there is no visible evidence to photograph. (See General Order 83.2.4 for incidents when no photographs are taken.)**

B. **Evidentiary photographs, digital imaging and video tapes submitted for storage shall be handled in the following manner:**

1. **After the scene has been recorded to the satisfaction of the investigating officer, the film, digital imaging and/or video tape will be removed from the camera.**

2. **For film, the officer will write the incident number, date, and his/her name on the film envelope. One such work order and envelope shall accompany each roll of exposed film. The envelope will then be placed in an evidence locker in the property room.**

    a. **Upon receipt of exposed film, the Property Room Officer will hand-carry the film to the processing site.**

    b. **The Property Room Officer will also be responsible for picking up processed film as necessary.**

3. **For digital imaging and or video tapes, the officer will write the incident number, date, and his/her name on the evidence envelope. The envelope will then be placed in an evidence locker in the property room.**

C. **Evidentiary photographs taken by a digital camera shall be handled in The following manner:**

1. **After the scene has been recorded to the satisfaction of the reporting/investigating officer, the officer shall return to the department and transfer the digital pictures into the associated Spillman incident report.**

2. **In the "Image Information" under "Source", the following fields will be completed:**

    a. **Date / time taken**

    b. **Captured Agency – Troy PD**

    c. **Image captured by – officer**

3. **Under "Attributes", the following fields will be completed:**

    a. **Image / Attachment Type – Digital**

    b. **Image / Attachment ID number – case #**

    c. **Image / Attachment Name – person's name, address, etc.**

    d. **Image / Attachment Description – object, injury, etc.**

4. **If the digital image(s) is are needed for court or requested by a Prosecutor, the image will be download to a CD-R using the following procedures:**

    a. **Insert a blank CD-R into the CD/DVD drive.**

    b. **Under "module", go to "agency tools" and select "image management".**

    c. **Select the digital image(s) and use the"save to file" button.**

    d. **Using the "Save in": drop-down menu, select "CD/DVD Drive".**

        1) **If the digital image(s) cannot be copied directly from the Spillman system, then save the image to the "Desktop" or other directory/file. Then transfer then Digital image(s) to the "CD/DVD Drive".**

    e. **Name the file in the "File Name": box and use the "save button".**

    f. **Properly package the CD-R and place it into evidence.**

83.2.3 Fingerprinting

A. Fingerprints will be processed, developed, lifted, labeled and collected at crime scenes if and when fingerprint evidence is found.

1. Standard techniques should be used for the development of fingerprints in the field, e.g. "dusting" with volcanic powders and brushes and lifting with hinged lifters or tape.

2. Objects which need to be fingerprinted and could be better processed in a laboratory or in a controlled environment should be collected as evidence and held for processing.

a. If the officer collecting the items is not an evidence technician, the officer should notify the shift supervisor, and note on the incident report, that there are items to be processed which have been impounded.

b. These items might include paper products or other porous items, which are better processed with chemicals or processes which require ventilation and/or controlled temperature and humidity.

c. Collected fingerprints will be placed in an envelope or container which shall be marked as an evidentiary container.

B. The Troy Police Department will submit fingerprints on forms provided by the Federal Bureau of Investigation and by the Ohio Bureau of Criminal Identification and Investigation (BCI&I) to those agencies on all felony arrests. (See also General Order 82.3.6 and 82.3.7)

1. The Troy Police Department will submit fingerprints on forms provided by BCI&I to that agency on criminal misdemeanor offense arrests, where a second or subsequent conviction would be a felony.

C. Procedures for the collection, dissemination, and retention of juvenile fingerprints, photographs, and other records are outlined in Ohio Revised Code 2151.313. (See General Order 82.1.1 and 82.3.7)

1. "Except as provided in division (A)(2) of ORC 2151.313, no child shall be fingerprinted or photographed in the investigation of any

violation of law without the consent of the juvenile judge." (Ohio Revised Code 2151.313(A)(1))

2. **Exclusions to Ohio Revised Code 2151.313**

    a. **Juvenile is arrested for an act that would be a felony if committed by an adult.**

    b. **Juvenile is adjudicated delinquent for (or convicted of) an act that would be a felony if committed by an adult.**

    c. **There is probable cause to believe that the juvenile committed an act that would be a felony if committed by an adult.**

    d. **This exclusion was formerly applied only to Category I and II offenses and DNA offenses.**

3. **For offenses other than felonies**

    a. **Investigations- must have judge's consent.**

    b. **Juvenile arrested for an offense, other than a traffic offense or minor misdemeanor.**

        1. **Upon arrest can fingerprint and photograph; must notify court of number of prints and photos and name and address of person who has control of photos and prints.**

        2. **Prior to filing of complaint, can only use prints or photos in original case/investigation; can only release to court.**

        3. **If no complaint is filed after 30 days, must send fingerprints and photographs to juvenile court.**

    c. **After complaint is filed**

        1. **Fingerprints and photographs can be used in the investigation for which they were obtained; or**

        2. **Investigation of another act that is an offense if the juvenile is a suspect in that crime.**

d. Juvenile is adjudicated delinquent of an offense other than a traffic offense or minor misdemeanor.

1. Can use fingerprints in investigation if juvenile is suspect.

2. Can use photograph in a photo array if juvenile is suspect.

3. Can keep fingerprints and photographs for two years or age 18 whichever comes first.

4. Fingerprints and photographs must be maintained separate from adult and separate from juvenile not adjudicated delinquent of an offense (other than traffic or a minor misdemeanor).

5. Juvenile is adjudicated delinquent of a misdemeanor offense of violence

(a) Prior to age 18, can co-mingle fingerprints with adults, but must keep photos separate.

(b) At age 18, must remove and dispose of prints if court has ordered disposal.

(c) If court has not ordered disposal, can either co-mingle with adults or deliver to juvenile court.

83.2.4 Equipment and Supplies

A. Recovery of latent fingerprints

1. Scene processing kits are to be carried in the marked patrol cars by evidence technicians and in unmarked cars used by detectives and should contain, at a minimum: fingerprint powders, dusting brushes, lifting tape, scissors and cards upon which to place lifted latent fingerprints.

B. Photography

1. For basic crime scene processing, a 35 mm camera and digital camera have been included as part of the scene processing camera kit to be carried in the patrol car by an evidence technician or detective.

C. Sketch of the scene.

1. Each crime scene kit should include a sketch pad, ruler, compass and pen.

D. Collection and preservation of physical evidence.

1. For basic evidence collection and preservation, envelopes, vials, plastic bags, paper bags and rubber gloves should be included in the kits.

E. Officers assigned as detectives are to carry the equipment and supplies outlined in A through D for processing scenes in the vehicle assigned to them.

F. The head of the Detective Section should assign an officer or detective to conduct periodic inspections of the kits of evidence technicians to insure they are properly maintained and stocked.

1. Officers using the kits should see that they are maintained and supplies replenished as they are used. Re-supply items can be obtained from investigative section.

83.2.5 Procedures, Seizure of Computer Equipment

Computer equipment can be very complex and difficult to collect as evidence. The seizure of computer equipment and other devices capable of storing data in an electronic format must be done in accordance to state and federal laws. The following procedures are basic guidelines to follow when seizing computer equipment and devices.

A. As a rule all computer equipment evidence should be searched and seized in accordance with the most current Department of Justice publication, *"Computer Crime and Intellectual Property Section (CCIPS) Searching and Seizing Computers and Obtaining Electronic Evidence in Criminal Investigations."* A copy of this publication can be accessed from the internet at:

www.usdoj.gov/criminal/cybercrime

This 122 page publication covers a variety of different concerns when collecting computer equipment as evidence, from what the officer needs in a search warrant to what should be done to protect the integrity of the evidence taken. Additionally, this publication includes what to be aware of in a networked environment. The investigating officer should use this document as reference material when working to secure computer evidence.

If there are still questionable areas of hardware, software and/or data that the investigating officer or computer specialist cannot understand, all work to secure a computer as evidence scene should stop immediately and additional assistance should be sought. This may include other department personnel, personnel from other law enforcement agencies, or crime lab personnel.

B. When necessary, a search warrant will be applied for and obtained before any computer is seized.

1. The search warrant should be as specific as possible. When requesting a search warrant, all parts of the computer should be itemized (i.e. keyboard, disks, software, manuals, anything connected with a computer is potential evidence).

83.2.6 Report Preparation

A. **Officers who process a crime or traffic collision scene are to prepare the appropriate reports concerning their participation in the scene processing.**

   1. **Generally, if a criminal incident is of such consequence that scene processing takes place, an incident, crime analysis and/or evidence collection report is used which contains provisions for recording the following pertinent information at a minimum.**

      a. **Location of the crime**

      b. **Victim and/or suspects, if known**

      c. **Actions taken at the scene**

      d. **Whether photographs or measurements were taken**

      e. **The complaint number**

   2. **If a traffic collision requires scene processing, the pertinent information is to be included on the traffic crash report or addenda to it.**

   3. **If an evidence technician or detective is summoned to assist an officer in processing a scene, the technician or detective is to prepare a report which details the time of arrival, actions taken, whether photographs were taken or sketches prepared, the disposition of evidence and any other information pertinent to the incident so that it may be included with the investigative report.**

83.2.7 DNA Evidence Collection

The Troy Police Department recognizes the fact a DNA match is a major factor in solving cases where the identity of the offender is unknown. The technology continues to improve and solves many crimes that are considered cold case files. The Troy Police Department will ensure all evidence technicians have a good understanding of where DNA can be found, how to avoid contamination, and how to preserve fragile DNA evidence.

A. First responder responsibilities and precautions

1. **Officers that are first responders where DNA evidence is present should consider the substance as a biohazard and treat the substance accordingly. Officers will secure the area where the substance is located. First responding officers, if they are not evidence technicians, will request an evidence technician for the collection of evidence.**

2. **Since DNA is a possible biohazard, the "Barrier Method" should be used in preventing direct contact and contamination. Using the physical barrier method between officers and the biohazard may include Personal Protective Equipment (PPE), including protective gloves, safety glasses, protective clothing (jump suit), protective footwear (shoe covers), facemask, & hair covers.**

3. **Contamination may include, but not be limited to, sneezing, coughing, bleeding, spitting or sweating onto the DNA evidence.**

B. Collection, storage and transportation of DNA evidence

1. **Movable objects should be collected as a whole. Stains should be allowed to air dry and the entire object, if possible, submitted to the appropriate crime lab. Moveable objects will be packaged securely in a breathable paper container and labeled according to General Orders.**

2. **Stains on non-porous surfaces that are wet or damp and stains on non-porous surfaces that are dry will be collected using an approved method by Ohio Bureau of Criminal Investigation or the Miami Valley Regional Crime Lab. The collected evidence that is damp or wet will be allowed to air dry and packaged in a "breathable" paper container, labeled and sealed appropriately.**

3. **Liquid samples such as blood standards and sexual assault kits will be stored in a refrigerator until transported to the appropriate crime lab. When the evidence technician places the DNA evidence into the refrigerator, the date, time and temperature will be completed on the log sheet. Tissue samples such as body tissue, bone and products of conception will be kept in the freezer and logged in the same manner. A moveable item with dry stains, after being placed in a "breathable" paper container, will be stored at room temperature and secured as other evidence. All DNA evidence will have "biohazard" stickers on the outside of the packages.**

4. **The Property Officer or designee will transport DNA evidence to the appropriate crime lab in a timely manner once taken from the refrigerator or freezer.**

C. DNA evidence training requirements

1. **All Troy Police Department personnel who collect DNA evidence will have completed the Evidence Technician Course through the Miami Valley Regional Crime Laboratory and have completed any current updates as set forth by the Miami Valley Regional Crime Laboratory.**

D. Submission of DNA evidence

1. **All DNA evidence will be submitted to a laboratory accredited through the American Society of Crime Laboratory Directors/Laboratory Accreditation Board. The following laboratories are approved for the submission of DNA evidence:**

   a. **The Miami Valley Regional Crime Laboratory**
      361 W. Third St.
      Dayton, OH 45402
      (937) 225-4990

   b. **Ohio Bureau of Criminal Investigation**
      1560 State Route 56 SW
      London, OH 43140
      (855) 224-6446

   c. **Submission to any other laboratory must receive prior approval from the Detective Captain or Chief of Police.**

83.3.1 Collecting From Known Source

A. Whenever available, materials and substances from a known source will be collected for submission to the laboratory for comparison with other physical evidence collected and prepared for analysis. (See General Order 83.3.2)

1. Preparation of known samples and comparison will be on the basis of the guidelines provided by Miami Valley Regional Crime Lab and/or Ohio BCI&I.

2. A significant degree of the value of laboratory examinations concerns the identification of substances and comparison of these with materials from known sources, especially in the case of the study of hairs, fibers, fabrics, paint, glass, wood, soil, and tool marks.

a. The location from which samples from a known source are taken is critical where fractures have occurred, such as in the case of glass, wood, paint, and metal.

83.3.2 Evidence, Laboratory Submission

A. The member of the agency in charge of the crime scene shall be responsible for requesting laboratory examinations.

1. The patrol officer who takes responsibility for a crime scene will be responsible for requesting laboratory examinations.

a. The shift supervisor will be responsible for determining if an investigator will be necessary at the scene to process the scene.

2. At major crime scenes or at other times when a member of the Detective Section or other crime scene investigator is on the scene, that member shall be responsible for requesting laboratory examinations.

3. The investigating officer will be responsible for specifying the tests to be performed and for completing the laboratory submission form.

B. Evidence shall be packaged and transmitted in accordance with acceptable techniques and methods.

1. Blood and urine specimens taken from OVI arrests will be submitted to a laboratory approved by the Ohio Department of Health, Alcohol Testing Division, pursuant to Ohio Revised Code 3701.143.

a. Specimens will be refrigerated until they can be submitted in a timely fashion to an Ohio Department of Health approved testing facility.

b. The Property Officer shall make arrangements to have the specimen transferred to a Department of Health approved testing facility.

c. The arresting officer will be responsible for specifying the test(s) to be performed on the sample, and for completing the required submission forms.

2. Body fluids which are collected as evidence in crimes may be submitted to the Ohio Department of Health, Ohio Bureau of

Criminal Investigation, Miami Valley Regional Crime Lab, or another approved laboratory.

a. Specimens will be refrigerated until they can be submitted in a timely fashion to the Ohio Department of Health, Ohio Bureau of Criminal Investigation, Miami Valley Regional Crime Lab, or other approved laboratory.

b. The arresting officer will be responsible for specifying the test(s) to be performed on the sample, and for completing the required submission forms.

c. Evidence, other than body fluids which will be subject to analysis, will normally be submitted to Miami Valley Regional Crime Lab or the Ohio Bureau of Criminal Investigation.

3. Physical evidence will be submitted for forensic testing as soon as practical.

a. The arresting officer will be responsible for specifying the test(s) to be performed on the sample and for completing the required submission forms.

C. The agency will maintain a record of physical evidence submitted to a laboratory for examination to include the following information.

1. Name of officer last having custody of the item

2. Date and time of submission

3. Date and time of receipt in the laboratory

4. Name of person in the laboratory receiving the evidence

5. Receipt of evidence

D. The chain of evidence record in the evidence management software will be used to indicate evidence has been transferred to a laboratory.

1. The Ohio Bureau of Investigation and Miami Valley Regional Crime Lab complete an internal chain of custody upon receipt of evidence and gives a copy of the evidence submission sheet to the submitting officer.

2. **The Miami Valley Regional Crime Lab and Ohio Bureau of Criminal Investigation will give a receipt of evidence when accepting and returning evidence to the agency.**

E. **Written results of laboratory analysis are provided by the Ohio Department of Health, the Ohio Bureau of Criminal Investigation, and Miami Valley Regional Crime Lab.**

1. **Written results will be forwarded to the Property Officer, who will forward the original to the submitting officer, who will forward it to the case folder.**

2. **A request for written results of laboratory analysis will accompany evidence submitted to agencies or labs other than the Ohio Department of Health, the Ohio Bureau of Criminal Investigation, and Miami Valley Regional Crime Lab.**

84.1.1 Evidence/Property Control System

A. All property which is acquired, recovered, seized, received, or otherwise taken into custody by members of this agency shall be logged into department records prior to the end of their tour of duty.

1. All members of the agency are responsible for protecting all property coming into its control and custody and for maintaining an uninterrupted chain of custody.

2. Logging property into agency records within the property room is the responsibility of the Property Officer.

3. If an exceptional circumstance occurs that any property cannot be logged into the agency records. The officer will get approval by their shift supervisor and document the reason for this within their report.

B. All property shall be placed in temporary, controlled storage as soon as possible after it has been impounded. In all cases where property is taken or received, officers shall place the property into evidence management software prior to the end of their tour of duty. Officers must receive approval from the shift supervisor and document the reason in their report if an exceptional circumstance occurs where any property cannot be placed into the evidence management software prior to the end of their tour of duty.

1. The following property classifications will be used:

a) Evidence - property which is believed to be related in some way to a crime or suspected criminal offense.

b) Safekeeping - property with a known owner that is intended to be returned and is neither believed to be connected with, nor constitutes part of any known or suspected criminal offense.

c) Found – property with an unknown owner that is neither connected with, nor constitutes part of any known or suspected criminal offense.

2. Property will be secured in the following locations and in the following manner:

a) Firearms shall be secured unloaded in a temporary storage locker and the key shall be placed in the property room keydrop.

3. **Miscellaneous evidence shall be secured in a temporary storage locker and the key shall be placed in the property room keydrop.**

4. **The following procedures shall apply to the handling of narcotics and dangerous drugs:**

    a) **Narcotics and dangerous drugs shall be handled with disposable rubber gloves and secured in a temporary storage locker.**

    b) **If necessary, the drugs should be weighed by the impounding officer prior to placing them in an approved container.**

        i. **Scales for weighing narcotics and dangerous drugs are maintained in the property processing area.**

        ii. **If drugs are weighed, the officer will weigh the sample in its original container and indicate the weight.**

        iii. **The officer will count the quantity, if applicable.**

        iv. **At no time should an exact weight of the substance supersede any health and safety considerations.**

        v. **The drugs shall then be placed in a temporary storage locker and the key placed in the property keydrop.**

        vi. **When the officer is finished packaging the narcotics or drugs, the officer shall properly dispose of the gloves.**

        vii. **Urine and blood specimens will be placed in a temporary storage refrigerator which is located in the evidence room, and the temporary storage refrigerator shall be locked using the provided padlock.**

5. **Found and safekeeping property shall be secured in temporary storage.**

    a) **Bicycles and other large property shall be placed in the sally port and secured using the installed chains and locks system.**

6. **The Property Officer will be responsible for releasing the property. A person who wishes to claim the property may make an appointment with the Property Officer in order to claim the property.**

    a) **If the person claiming the property cannot make an appointment during the Property Officer's normal shift, the Property Officer may assign a designee to release the property. If the designee is unable to return the property it shall be returned to the Property Officer by securing it in temporary storage.**

    b) **Officers may return safekeeping or found property to the owner or owner's designee prior to the end of their tour of duty following procedures set forth in General Order 84.1.5**

7. **Property too large to fit in temporary storage lockers shall be placed in the sally port with a property sticker attached to the property and secured using the installed chains and locks system.**

    a) **If chain of custody is essential, the Property Officer should be contacted to properly secure the item(s) in a locked storage room.**

8. **Any officer who impounds or tows a motor vehicle will completely fill out a vehicle inventory form.**

    a) **The pink copy will be given to the wrecker service.**

    b) **The inventory form will be forwarded to the records section if there is not a hold or other condition(s) for release.**

    c) **If there is a hold on the vehicle, the inventory form will be attached to a copy of the incident report and placed in the towed vehicle file located in communications. The report and inventory form will include the conditions for release of the vehicle.**

        i. **When the owner satisfies the conditions to retrieve the vehicle, the owner will sign the form on the line labeled "released to" and be given the green copy to satisfy proof of release to the tow company. The hard copy will then be forwarded to the records section.**

d) **Vehicle tows will be conducted on a rotation basis as outlined in General Order 61.4.1.**

9. **Members of this agency shall not store any property in their desks, lockers, vehicles, homes, or other places that are not secure or which would interrupt the chain of custody.**

10. **Personal use of any property received by members of this agency in the course of performing their official duties is prohibited.**

C. **An incident report shall be made detailing the circumstances by which the property came into the agency's possession and describing each item of property obtained.**

D. **Guidelines for packaging and labeling property prior to storage**

Whenever possible and/or practical, items received, seized, or impounded by the agency should be placed in a suitable evidence container by the officer receiving or seizing the property.

1. **Evidence from the same case may be packaged in same container with the following exceptions. Listed items should be packaged separately:**

a) **Firearms**

b) **Drugs – In addition to drugs being packaged separate from other types of property, if the drugs were seized in multiple containers and those containers are being submitted to a crime lab, each container needs to be separately packaged.**

c) **Cash**

d) **Jewelry in excess of $100 value**

e) **Flammables or explosives**

f) **Evidence sent to a lab, when other items from the same case are not**

g) **Evidence that should not be packaged together for evidentiary reasons such as contamination or other reasons per crime lab training or manuals**

2. **At minimum the officer will write their evidence mark (for example initials and unit number) directly on the exterior of the sealed evidence bag or container and the case number. Additional descriptive information may also be included on the evidence bag or container.**

    a) **A property sticker will be completed for each item. The sticker(s) will then be placed on the packaging or directly onto unpackaged items. The property sticker must include the following:**

        i. **Name or unit number of officer collecting the item(s)**

        ii. **Incident number**

        iii. **Property number**

        iv. **A description of each item**

3. **If the property is cash or coin, the officer will include a count of each denomination of coin and/or paper money.**

4. **If the property is a wallet or purse, the officer will specifically list all the contents.**

5. **If the property is narcotics or drugs, and if necessary, the officer will weigh the sample in its original container; indicate the quantity, if applicable, e.g., pills; and indicate if at all possible, if the suspect is an IV drug user.**

E. **Items of property requiring added protection, which includes money, precious metals, weapons, narcotics and dangerous drugs, will be stored in a safe or locked locker located within the agency's property storage areas. (See General Order 84.1.2 and 84.1.4)**

    1. **Any jewelry and/or large amounts of money ($100 or more) will be kept in a safe within the property room.**

    a) **The combination to this safe will be kept by the Property Officer.**

F. **In addition to requirements imposed by the Ohio Revised Code to find and/or notify owners of the status of their property, the submitting officer shall be responsible for attempting to locate owners of property held by this agency and notify them of its status.**

G. Final disposition of property will be in accordance with the provisions of Ohio Revised Code 737.29 through 737.33 inclusive, 2981.11 through 2981.13 and 4513.60 through 4513.65 inclusive.

84.1.2 Storage and Security

A. All evidentiary property which comes into the possession or custody of the department is to be stored in designated, secure property storage areas as soon as is practicable with access limited to authorized personnel. If a Property Officer is not available, the property is to be secured in one of the appropriate secure interim property holding areas, these being the property holding lockers or the sally port using the chain and lock system. Vehicles should be immediately impounded at the towing firm's storage lot, sally port, or at the city maintenance garage if the vehicle must be processed for evidence. The officer impounding the vehicle is responsible for inventorying and securing it and any other property associated with the vehicle. The Property Officer is responsible for property room operations and the security of property assigned to his/her custody and care.

1. **Evidence is to be properly secured in order to protect the evidence chain of custody. Unsecured evidence must remain in continuing custody or constant view of the officer who obtained it until it is secured in an interim locker or the property room.**

2. **If flammable or other dangerous substances are placed in the interim flammable locker located in the sally port, a copy of the property sticker should be placed in the Property Officer's mail slot to make him aware of the substance. A sample of flammables should be placed in a glass vile for evidence to be sent to the lab. It should be noted the amount of the fluid that is present either by weight, volume or other means. The remainder of the substance can be returned or legally discarded if possible following approval from the prosecutor.**

B. Only authorized personnel are to have access to property storage areas.

1. **Keys and card access to the property rooms and the interim storage lockers are limited to the Property Officer, Chief of Police and the head of the Detective Section.**

84.1.3 Temporary Security

A. During the periods that the property room is closed most non-perishable items shall be secured in the interim lockers in the evidence processing room. Perishable items are to be placed in and locked in the refrigerator found in the evidence processing room. Very large items or bicycles shall be secured with the chains and locks in the sally port. If the chain of custody is essential, the Property officer should be contacted to properly secure the item(s) in a locked storage room.

1. **Upon placing an item in an interim locker, the locker is to be secured by the key provided. Keys to the interim lockers are to remain in the door of the locker until items are to be secured. Once the item(s) are secured the key will be removed and placed in the key-drop locker.**

2. **The location that the property was placed will be recorded in the officer's incident report (for example: locker, refrigerator, sallyport).**

3. **If at any time all of the interim lockers or the refrigerator are unavailable and it is necessary to have the area for storage, the Property Officer should be immediately notified to correct the problem.**

B. Whenever property is submitted to the property room, a property sticker for each item is to be properly filled out and securely attached to the item(s) being submitted.

C. The Property Officer will accept all properly packaged property with property sticker(s) attached into the property room and record the required information in the evidence management software..

1. **If property is found to be improperly packaged or does not have the required sticker(s), the Property Officer will notify the supervisor or the submitting officer to evaluate the situation. In every case, every effort should be made to maintain the integrity of evidence and the chain of custody.**

D. No explosives, dangerous chemicals, unknown biological specimens, nuclear material or other dangerous materials are to be placed into the interim lockers without prior notification and approval of the Property Officer or the submitting officer's supervisor.

84.1.4 Security of Controlled Substances, Weapons for Training

The Troy Police Department uses controlled substances and weapons for investigative purposes and training aids. Due to the critical nature of these items, the department will establish procedures to ensure the security and accountability for these controlled substances and weapons. Explosives are not used by this department for investigative purposes and training aids.

A. Procedures

1. Controlled Substances

a. Defined - A drug, compound, mixture, preparation, or substance included in schedule I, II, III, IV, or V.

b. Use - Controlled substances will only be used for investigative purposes and training aids after a court forfeiture order has been received by the department.

c. Security - Controlled substances to be utilized for investigative purposes and training aids will be kept secure in the property room until signed out by personnel with approval of the Chief of Police.

d. Accountability - The Property Officer shall record all transactions in the Property Custody Transfer Log Book. Weights and/or quantities of controlled substances shall also be recorded when removing and returning the controlled substance. Any discrepancy must be reported to the Chief of Police.

i. The property room records are inspected quarterly by a designee of the Chief of Police (GO 84.1.6).

2. Weapons

a. Security - Weapons to be utilized for investigative purposes and training aids will be kept secure in the property room until forfeited to the department. The weapon will then be transferred to the department armory.

b. Accountability - The Property Officer shall record all transactions in the Property Custody Transfer Log Book. Once the weapon is transferred to the armory, the weapon

will be added to the armory inventory which is inventoried periodically.

(i) The property room records are inspected quarterly by a designee of the Chief of Police (GO 84.1.6).

84.1.5 Records, Status of Property

A. Master property room records

1. All found, recovered, evidentiary, seized/forfeited and other property submitted to the property room will be documented.

2. The documentation will contain the following information on each item logged in:

a. Submitting officer

b. Location in the property room or elsewhere where that property is stored or a fund it has been transferred to

c. Date property logged in

d. Complaint number

e. Description of property

f. Defendant or owner

g. Disposition date/disposing officer initials

h. Manner and date of final disposition

B. Property stickers

A property sticker is used as an individual record of each item submitted to the property room. All items submitted to the property room are to have a property sticker attached.

2. Property stickers will contain the following information:

a. Name or unit number of the officer collecting the item

b. Incident number

c. Property number

d. A description of each item

C. Property tags (cards)

1. **If an owner or owner's designee is able to retrieve found property or property held for safekeeping by the end of the officer's tour of duty, the officer that found the property or was assigned to the incident may return the property without it having been entered into the property room. The following procedures will be followed:**

    a. **The property will be secured until the owner or their designee arrives.**

    b. **An incident report will be completed detailing the name of the person who found the property, the circumstances by which the property came into the agency's possession, a description of each item of property, the name of the owner, and name of the person it was released to if different than the owner.**

    c. **A property tag (card) will be completed with the appropriate information and the person receiving the property will sign on the back of the tag at "FINAL RELASE TO". The employee returning the property will record the time, date, their initials, and unit number on the appropriate line. The tag(card) will then be forwarded to the Property Officer**

        i. **Do not use property stickers**

2. **If the owner or owner's designee is unable to retrieve the property by the end of the officer's tour of duty then the property must be submitted to the property room according to the policies in this chapter and Chapter 83.**

        i. **Property stickers are required for each item**

D. Receipt for articles from property room

1. **A continuous receipt form entitled "Property Custody Transfer Log" will be used to log articles leaving the property room on a temporary basis such as for use in court or laboratory processing.**

E. When an officer impounds a vehicle it must be inventoried and a Vehicle Inventory Form must be completed.

1. **If there is a hold on the vehicle the Form shall be attached to a copy of the incident report and placed in the towed vehicle file in the Communications room.**

2. **If there is not a hold on the vehicle the form shall be forwarded to Records, along with the case file.**

3. **The Chief of Police shall designate who is to maintain the records associated with towed, junk, and abandoned vehicles**

F. Property and vehicle records shall be maintained for a period of at least two years. Records will only be disposed of in accordance to the Troy Police Department's records retention schedule and Section 149 of the Ohio Revised Code.

84.1.6 Inspections and Reports

A. At least quarterly, the supervisor to the Property Officer will conduct an inspection of the property room to ensure adherence to property and evidence control procedures by the Property Officer.

1. The inspection should be conducted to see that the property room is kept clean and orderly and that property and evidence control procedures are being adhered to.

2. If there are no discrepancies found or problems with the property area, the inspecting supervisor will complete the "Property Room Inspection Sheet". If there are changes needed or problems found, a report will be made with a copy forwarded to the Chief of Police and one to the Property Officer. The problem should be resolved within two weeks, and a follow-up report made by the inspecting supervisor.

B. Whenever a new Property Officer is designated, an inventory of property and evidence and records will be conducted to ensure that records are correct and property annotated is to be conducted jointly by the newly designated Property Officer and a designee of the CEO.

1. Whenever the position of any officer with property and evidence responsibilities changes, an inventory of property and records will be conducted by the out-going officer and the in-coming officer, to ensure the records are current and property and evidence accounted for.

2. During the joint inventory, all high risk items (money, precious metals, jewelry, firearms, and drugs) will be inventoried.

a. The date and findings of such inspections are to be recorded and signed as correct by each.

C. An annual audit of property and evidence held by the department is to be conducted by a supervisor who is not routinely or directly connected with control of that property and evidence. The Chief of Police is to assign the supervisor(s) who are to do the inventory.

1. The annual audit should review a representative sample of at least 100 high risk items.

2. **The position and section assignment of the inspecting supervisor is to be recorded to document the disconnection from the property and evidence control function being inspected.**

    a. **The inspecting supervisor is to forward the findings of the inventory inspection to the Chief of Police.**

D. **At least once each year, unannounced inspections of each property storage area are to be conducted by the Chief of Police or a designee.**

1. **The inspections need not cover the totality of the property and evidence custody procedures or inventory. Random comparisons of records to property and evidence and inquiries as to procedures and processes would suffice for these unannounced inspections.**

    a. **If serious discrepancies are discovered, a complete examination and inventory should be conducted.**

84.1.7 Final Disposition

A. Release of property and evidence

1. To rightful owner

a. Property may be released to the rightful owner once all police use of the property is satisfied and the officer who submitted the property has approved the release of the property.

b. Weapons taken as evidence, found property or for safekeeping will be released and disposed of according to the provisions of this order.

c. Once an item has been cleared for release, the submitting officer will make every reasonable effort to contact the owner by phone or in person to inform the owner when and where to pick up the property.

d. If unable to contact the owner by phone or in person, the Property Officer will send a letter, return receipt requested, to the last known address of the owner to inform the owner when and where to claim the property.

e. This procedure will be done with all property of substantial value. Property of little or no value of which the owner cannot be reached by phone or in person will be disposed of or sold at public auction in accordance to (B) of this section.

f. If the owner cannot be located or fails to claim the property after a period of thirty days, the property will be considered unclaimed and may be disposed of or sold at public auction.

g. The disposition of the property is to be recorded in the evidence management software.

2. Release to finder

a. Property, except weapons or contraband, may be released to the finder of the item if the rightful owner is unknown or cannot be located.

b. **If the owner is unknown, the property (including found money) may be released to the finder after a period of thirty days has passed and the owner has not claimed the property, if the finder chooses to claim the property.**

c. **If the owner is known, the submitting officer will attempt to contact the owner by telephone or in person. If unable to contact the owner, the Property Officer will send a letter, return receipt requested, to the last known address of the owner informing the owner of when and where the property may be claimed.**

   i. **This procedure will be done with all found property or substantial value. Property of little or no value of which the owner cannot be located may be disposed of or sold at public auction after the thirty day period.**

d. **The finder of property claiming said property will provide proof of identification at the time the property is turned into the police department and also upon claiming said property.**

   i. **When claiming the found property, the finder is to sign the Property Tag or Release of Evidence property form as a condition of the release of the property.**

e. **Due to potential conflict of interest, employees of the police department may not claim found property which they have found and submitted to the property room, regardless of whether the property was found on or off duty.**

f. **The disposition of found property is to be recorded in the evidence management software.**

3. **Contraband/seized forfeited property**

   a. **Contraband coming into the possession of the police department will not be released to its owner or finder, but will be disposed of in accordance with laws governing disposal of contraband.**

b. **Seized/forfeited property will be utilized by the department or disposed of in accordance with laws governing such use or disposal.**

c. **The office of the City Law Director or County Prosecutor will prepare court orders pertaining to the disposition of such forfeited property or contraband.**

4. **Evidence**

   a. **Evidence will not be released until cleared for release by the investigating officer or the prosecutor.**

5. **Dispositions**

   a. **Final disposition of found, recovered, and evidentiary property will be accomplished within six months after legal requirements have been satisfied.**

   b. **In every case where property is released, the final disposition will be entered in the evidence management software.**

6. **Identity**

   a. **In every case, the Property Officer will make every reasonable effort to verify rightful ownership of property and the identity of the person to whom the property is being released.**

   b. **In every case, the person to whom the property is being released to will sign the Property Tag or Release of Evidence property form indicating that he or she has received the property from the police department.**

7. **Weapons and firearms**

   a. **Weapons held as evidence may only be released after the court case is disposed of or dropped, and with the permission of the investigating officer or prosecutor and by the court of record having jurisdiction of the case.**

   b. **All firearms must be checked for stolen through NCIC prior to release to a rightful owner.**

c. If the weapon is a firearm, the owner must be checked through the FBI and BCI for a felony record as outlined in Section 2923.13 ORC.

i. If the owner has a felony record as outlined in 2923.13, the firearm cannot be released to him or her.

ii. The owner will be notified in writing by the appropriate prosecutor's office that he or she is under disability and that the weapon cannot be released to him or her.

d. In every case, the Property Officer will make every reasonable effort to verify proper ownership of the weapon and the identity of the person to whom the weapon is being released.

e. In every case, persons receiving a weapon will sign the Property Tag or Release of Evidence property form indicating the release of the weapon to them.

f. If the owner of the weapon is not known, the weapon will be declared unclaimed after a period of thirty days and disposed of in accordance with (B) of this order.

g. Weapons held for safekeeping shall be retained for the period of time that is needed for evidence. Generally, the weapon will be kept no more than sixty days.

i. At the conclusion of that time, the Property Officer will notify the rightful owner by phone that the weapon may be claimed. A notation of the notification is to be made in the evidence management software.

ii. If unable to locate the owner by phone, the Property Officer will send a letter, return receipt requested, to the last known address of the owner outlining when and where the weapon may be claimed.

iii. If, after thirty days, the weapon has not been claimed by the owner, the weapon will be declared unclaimed and disposed of in accordance with (B) of this order.

iv. **Weapons being held as a result of domestic violence charges will be retained for the period of time it is needed as evidence or until the department receives notice that the charges have been dismissed, this being for the safety of those involved.**

8. **Weapons used in suicide or attempted suicide**

   a. **Any weapon that has been used in a suicide or an attempted suicide will be confiscated by the police department and retained in the property room until the suicide investigation is complete.**

   b. **Upon completion of the investigation, the weapon shall be turned over to the police department to be used for law enforcement purposes or to be destroyed as per Section 313.14(C) of the Ohio Revised Code**

      i. **An order from the attorney representing the deceased's estate stating that they wish to claim the weapon may also be sent to the court for consideration.**

9. **Money**

   a. **Money held as evidence may be released to the rightful owner upon completion of the court case and upon approval of the investigating officer and the prosecutor.**

   b. **Money that has been found may be released to the finder under the following conditions:**

      i. **The Property Officer will obtain the approval of the submitting officer.**

      ii. **The Property Officer will have made a reasonable effort to locate the rightful owner and the rightful owner has not been located or, if located, has failed to claim the money.**

   c. **Upon releasing money, the Property Officer will open the sealed package in the presence of the owner or finder and**

count the contents together. If there is a discrepancy, a supervisor is to be notified immediately.

d. In every case, the Property Officer will make every reasonable effort to verify the ownership or right to possess the money and the identity of the person to whom the money is being released.

e. The person receiving the money is to sign the Property Tag or Release of Evidence property form to acknowledge receipt of the money.

f. The Property Officer will approve the release of all money. Money that is found and unclaimed or forfeited under the provisions of Section 2981.11-2981.13 ORC or any other State, Federal or local law will be disposed of in accordance with (B) of this order.

g. The final disposition of money will be logged in the evidence management software.

B. Disposition of unclaimed property and evidence

1. Unclaimed or forfeited property may only be disposed of in accordance with provisions of statutes or laws governing the disposition of such property held by a law enforcement agency. Items may be disposed of in one of the following ways:

a. Destroyed per court order or when no longer needed

b. Converted to city use per court order

c. Auctioned per court order

2. Property to be destroyed

a. Dangerous drugs

i. The Property Officer will notify the head of the Detective Section and the Chief of Police of drugs to be disposed of.

ii. An inventory of drugs to be destroyed will be taken by the Property Officer.

iii. **A request will be made to the City Law Director or his designee from the Chief of Police for a court order pursuant to Section 2981.11-2981.13 ORC.**

iv. **The Property Officer and another officer will take the drugs to a suitable location and personally destroy them, by burning, pursuant to the court order.**

v. **The Property Officer will retain the court order.**

b. **Firearms/weapons**

i. **The Property Officer will notify the head of the Detective Section and the Chief of Police of the weapons to be destroyed.**

ii. **An inventory of weapons to be destroyed will be prepared by the Property Officer and a stolen check made through NCIC.**

iii. **A request to the City Law Director or his designee from the Chief of Police will be made, pursuant to Section 2981.11-2981.13 ORC.**

iv. **Weapons suitable for police use will be turned over to the department, pursuant to court order.**

v. **The Property Officer and another officer will take the weapons to a suitable facility and personally destroy, or supervise and witness the destruction of, the weapons by cutting them into unusable pieces.**

vi. **Final disposition of weapons will be noted in the evidence management software.**

c. **Miscellaneous property of no value**

i. **The Property Officer may dispose of miscellaneous found property or property held for evidence but no longer needed that is of little monetary value.**

ii. **The Property Officer will note the final disposition of items in the evidence management software.**

3. **Property to be converted to city use**

    a. **Any property to be converted to city use will require a court order.**

    b. **The Property Officer will prepare a list for the Chief of Police to submit to the City Law Director or his designee for request of court order.**

4. **Auction and donation**

    a. **Property no longer needed as evidence and legally retained by the police department, and unclaimed found property will be held for a period of at least ninety days and then may be donated to a nonprofit organization or sold at auction pursuant to Sections 737.32 and 2981.11-2981.13 ORC.**

5. **Final disposition.**

    a. **In every case, when property is disposed of by any means, the final disposition and disposition date will be noted in the evidence management software.**

6. **Major case disposition.**

    a. **Annually, the Property Officer is to contact the head of Detective Section to discuss the status of major cases for which property is retained.**

    b. **With the approval of the head of Detective Section, the Property Officer may dispose of any property held as evidence in a finally disposed of major case, as outlined in this order.**

C. Vehicles

1. **Release of vehicle to owner**

    a. **Vehicles may be released to the rightful owner once all police use of the vehicle is satisfied and the submitting officer has approved the release of the vehicle.**

b. **Once a vehicle has been cleared for release, the submitting officer will make reasonable efforts to contact the owner by phone or in person to inform the owner when and where to pick up the vehicle.**

c. **When and if the owner comes to reclaim the vehicle, the owner must show:**

   i. **Driver's license or some form of identification**

   ii. **Title and valid registration to the vehicle**

      (1) **The title must be in the owner's name. Title's in which any transfer information has been completed on the back will not be accepted.**

      (2) **Valid registration may be checked by officers on State databases if the action is for law enforcement purposes and in compliance with LEADS and/or OHLEG rules and regulations.**

2. **Abandoned vehicles**

   a. **All abandoned and junk vehicles as defined in the Sections 4513.60 thru 4513.66 of the Ohio Revised Code and chapter 345 of the Codified Ordinance.**

   b. **The Chief of Police shall designate who will responsible for the disposition of unclaimed vehicles.**

   c. **After notification by a tow company that a vehicle towed at the direction of the Police Department has gone unclaimed, the Department may begin the process to obtain an Unclaimed and Abandoned Junk Motor Vehicle Affidavit for eligible vehicles. The Department will comply with all State requirements and utilize State approved forms to obtain the Affidavit.**

      i. **This includes the mailing of certified letters to the owner(s) and lienholder(s).**

ii. **A court order may be necessary for vehicles not eligible for the affidavit.**

d. **If the owner or lienholder does not respond or meet the requirements to claim the vehicle ten days after the mailing of the certified letter the affidavit may be completed. The affidavit will be notarized and a copy provided to the Title Office and tow company in possession of the vehicle.**

   i. **Vehicles with no value may then be disposed of by the tow company.**

e. **Photographs shall be taken of the vehicle.**

f. **Records shall be kept for a minimum of two years.**

g. **After obtaining a salvage certificate of title, the Chief of Police may sell unclaimed motor vehicles at public auction after giving due notice thereof by advertisement, published once a week for two successive weeks in a newspaper of general circulation in the County or as provided in section 7.16 of the Ohio Revised Code. (ORC 4513.62).**

   i. **All funds taken in from the sale of property will be credited to the general fund.**

84.1.8 Property Acquired through the Civil Process

It is the policy of the Troy Police Department to use its share of federal or state court-imposed financial sanctions and forfeited contraband to supplement law enforcement operations in City of Troy, Ohio. Under no circumstances will personnel select enforcement targets because of the expected financial gain accruing to the department: enforcement strategies are not dictated by profit.

Federal Equitable Sharing Program – Under the Comprehensive Crime Control Act of 1984, state and local law enforcement agencies may participate in the U.S. Department of Justice's program for the equitable sharing of seized and forfeited assets and property, either through involvement in joint investigations with federal law enforcement agencies or through the adoption by a federal law enforcement agency of a seizure made by state or local law enforcement.

The department's participation in the program shall be in accordance with the guidelines and procedures contained in the federal publication Guide to Equitable Sharing for State and Local Law Enforcement Agencies issued by the U.S. Department of Justice in April 2009 and periodically updated.

All checks for monies received through the federal equitable sharing program shall be promptly delivered to the city auditor for deposit in a separate account for authorized expenditure by the police department.

All non-monetary assets received through the federal equitable sharing program are titled in the name of the City of Troy, Ohio Police Department for authorized use by the police department. Thereafter, these assets shall be disposed in accordance with applicable federal program guidelines and state law.

All assets, whether monetary or non-monetary, shall be expended, utilized, or disposed of only as permitted under the federal guidelines. These assets shall be used only for law enforcement purposes and shall be used only to supplement, not to supplant, regular funding.

The City of Troy Auditor's Office maintains detailed financial records of all assets received, expended, or disposed of, and prepares all required financial reports to the U.S. Department of Justice or other authorities.

Proceeds from State Financial Sanctions and Forfeited Assets – From time to time, the department receives portions of financial sanctions imposed upon criminal offenders pursuant to the provisions of O.R.C. Sections 2925.03, 2925.42, 2925.43, 2929.18, 2929.28, 2929.71, and other relevant statutes, as well as assets seized pursuant to the provisions of O.R.C. Sections 2981.11-2981.13.

Any checks for monies received as portions of financial sanctions of forfeited contraband will be promptly delivered to the City of Troy's Auditor's Office for deposit in the appropriate separate account.

All non-monetary assets received through contraband forfeiture under state law shall be titled in the name of the City of Troy Police Department for authorized use by the police department. Thereafter, these assets shall be disposed of in accordance with applicable law.

All assets, whether monetary or non-monetary, shall be expended, utilized, or disposed of only as permitted under the applicable state law. These assets shall be used only to supplement, not to supplant, regular funding.

The city auditor maintains detailed financial records of all assets received, expended, or disposed of, and prepares all required financial reports to the Ohio Attorney General and other authorities.